Madurai Dist Records

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செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட

பிப்ரவரி மாதம் வருடம் 1985

செப்பனிட்டு முடித்த

மார்ச் மாதம் வருடம் 1985

ஆராய்ச்சி உதவியாளரின் கையொப்பம்.

மதுரை மாவட்டம்

வரிசை நெம்பர் 8973

பொது எண் 30103

1828–1830

List of Retainable papers ~~for 18~~ from 1828–1830

Letters. from Government Madura Collectors' Office.

From whom received.	Substance.
Sec to Govt Judicial Dept	Forwarding ~~an extract~~ a copy of the original Draft of the Jury Regulation and requesting to Communicate his sentiments on the proposed introduction of the System of Trial by Jury in Criminal Cases.
Do Judicial Dept	Forwarding an Extract from the Minutes of Consultation d 12·9·28 which clears all doubts arising in respect to the authority which Civil magistrates, and other Civil officers are entitled under the rules laid down in the ... Procs of Govt in the Judicial Department, dated the 25th March 1825, to exercise in cases of emergency.

List of Retainable papers for 18

Received Papers. Madura Coll

Date.	Number.	From whom received.	Substance.
21/10/28	159	Secy to Govt General Depts	Forwarding for inf certain Rules and Reg established by the Sup on the 31st January 28 re to Lascars and other seamen.
4/11	761	Do Rev. Depts	Requesting to Commun his sentiments on the how far the plan of lev Nuzzerana on suc estates or o to, and cou be adopted in
7/11	983	Do Public Depts	Orders reg of returns various ar as per forma
6/2		Do Rev. Depts	Requestin munication to the on th

List of Retainable papers for 18

Received Letters. Madura Collectors' Office.

Date.	Number.	From whom received.	Substance.
			Nuzzerana on Succession to estates or offices.
		Private Secretary	Requesting to take the necessary steps for formally placing ... Ramaswamy Sethupathi in ... possession of the Ramnad Zemindary
	500	Secy to Govt	~~Forwarding copy of a letter~~ addressed to Mootoo Vadooga Periya Odaya Thevar Zemindar of Shevagunga. [not found in the file]
30/3/30	231	do Political Dept	Conveying Sanction for the payment of Rs 70 p.m to the family of the late Angalaswamy
/5	338	do Political Dept	Requesting to report whatever arrangements, for the gradual reduction and final abolition of the pension granted to the Family of the late Angalaswamy,

List of Retainable pape[rs]

Received Letters. Madura Collector[']

Date.	Number.	From whom received.	Substance.
			he considers practica[ble] reference to the equi[table] claims of the Family
28/5/30	774	Sec^y to Govt	Requesting in reply to [his] letter of the 22^d inst^t to aff[ord] Muthuswami Naiker [su]ch redress as the circumstan[ces] of his case may demand a[nd] to report his Proces thereon for the information of Govt

Circular.

Fort St George 28th December 1827.

Despatched 11 March 18..

To,

R. Peter Esqre

Principal Collector of Madura

Sir,

Judicial Depart. Para. 1st. The Right Honorable the Governor in Council having resolved not to put in operation the provisions of Regulation X 1827 until the proposition to introduce Trial by Jury in Criminal cases shall have been subjected to mature examination and discussion among the most experienced Judicial and Revenue Officers of this Presidency, and until their individual opinions shall have been deliberately weighed and considered by the Government, I am directed to request that you will communicate your sentiments on this important subject in the form of answers to the questions which are herewith transmitted.—

A

2. A copy of the letter from Mr. Newnham and Mr. Dacre which accompanied the original Draft of the Jury Regulation, with a copy of that Draft, is herewith transmitted for your information.-

I am,

Sir,

Your most obedient Servant.

[illegible signature]

Secy. to Government

Despatched Date 11th. March 1828.

An early answer is requested.

Re.

The Honorable Major General Sir Thomas Munro, Baronet and K.C.B. Governor in Council. Fort St George.

Honorable Sir,

1. The undersigned venture with great respect to solicit your consideration and favorable notice of the enclosed papers.

2. They are aware, when they venture on such an address, that their conduct may be liable to the remark of its being at variance with the usual practice of the Courts, and the rules for Judicial Authorities submitting such suggestions through the Provincial Court of Circuit collectively, to the revision of the Foujdaree Udalut, in order that the Higher Court should, on laying the proposition before the Government, accompany it with appropriate remarks. The utility of this measure is manifest, and therefore the undersigned when deviating from the rule, would express their respectfulness towards the orders which enjoin such formalities, and avow great anxiety that the present undertaking should not be considered to display any feelings which do not hold accord with the said rule, or the smallest disposition to undervalue the great advantage

advantage of having like suggestions, as the present submitted to the review and scrutiny of other Judges of the Court, to which they themselves belong, or of the Higher Court established for exercising Superintendence and control over all the Judicatures throughout the Presidency.—

3.— Present circumstances have however induced the thought of a direct communication being more appropriate to the nature of the subject treated of, in the papers.— The Authors of them have been induced by the approach of an event which may interrupt, if not quite retard the consideration of a Measure of such rare importance to hasten the respectful submission of their suggestions to the consideration of the Honorable the Governor in Council; under a confidence of being able to make a becoming apology for such an attempt; although they in truth can find no precedent to advance in support of the perfect regularity of such a proceeding.—

4.— The proposal is indeed one extraordinary in it's nature, for the principal paper contains a draught of a regulation touching a most important matter of Criminal Justice. It has occurred to us, during some experience of the mode of administering Justice by the dictates of Mahomedan law, that the said system admit of being greatly meliorated by an Union with great Excellencies which a trial by Jury is, alm[ost] universally allowed to possess.— National affe[ction] for the advancement of so revered an institution

our Native Country, might be acknowledged to a greater extent without our being apprehensive of such an acknowledgement being in the smallest degree discreditable to the sentiments of Judicial Officers: but we have restrained on this occasion the ardency of the veneration, which we, as British Subjects, entertain for trial by Jury; and have essayed to devise means of introducing its virtues under such modifications as shall make them coalesce and co-operate with the Mahomedan law.— Its Rules and Ordinances we seek to preserve and maintain unto nearly the same extent to which the Legislature by regulations, which it has already promulgated, sanctions.—

5.— Although the enclosed paper contains a suggestion for a New-law of great weight and moment being promulgated; the writing has not been made during the time of the Court being open for the transaction of public business.— This circumstance precludes us from taking the opinion of the Senior Judge previously to our submitting the suggestion; unless we exposed the plan to the risk of losing the support, which we trust and hope it may deserve from the present Chief governing authority in the countries, whose future prosperity and happiness the measure appears to us to be calculated to promote.— We are however of Opinion that we might safely pledge ourselves officially to the plan, we now submit, being to be made, after the corrections and improvements which it will, if entertained, necessarily

necessarily receive from the wisdom of the Government and other superior authorities, so qualified to be salutary in its effect and substantial in its benefit, as to quickly attain a most decided popularity throughout the dominions, to which the boon be granted; as to thereby dispose all ranks, who dwell therein, to entertain the warmest sentiments of regard and gratitude towards the governing authority under whose legislative guidance and control so great a blessing has been bestowed; and, in fine, to increase the renown, honor, and prosperity of the power unto which an extensive rule over a vast multitude of Indian subjects has been providentially conferred for their good and their rightful Government.—

6.— Although the present paper is so far the production of the private consultation of two individuals, apart from the public duties of Office, that they cannot immediately represent the suggestions, which they venture to account it "advisable to propose," to be in the condition of a public document formed under the regular exercise of the "Authorities" given to the "Judicial" stations which both respectively hold, they would be well content to await the time when the paper might be produced to the Court, of which they are members; and be made a record rightfully belonging thereto.— This course would afford them the opportunity of more officially pledging their opinion of a measure designed to introduce the institution of Juries being likely (after it has itself passed the ordeal or rather a Jury of successive

Regulation VIII of 1819 -

cessive Judicial Authorities, and been subjected to the amendments of which a new plan for a measure of great importance must afford some room,) to quickly add great efficiency to the administration of public Justice; and while the suggestors of the change cannot entertain the smallest doubt of the veneration of any one of higher rank in the Judicial Department of the British Government of the Country for an ancient and fully approved usage of his Native Country being equally warm and deeply rooted as that which animates their own breasts, they should rely on the hearty pledge of superior Officers of the State being given in aid of their own in furtherance of an object so desirable because of its certain tendency to increase the security and happiness of Man. It however happens that the paper could not attain such State of a record belonging to the Collective Court until the Court re-assemble in the middle of June, and then the transmission of it, though it be entirely approvable to the Honorable the Governor in Council would still occupy a considerable time, whereas peculiar circumstances now combine to make the authors of the plan deprecate any dilatoriness in bringing their suggestions, though in the less improved state, to the notice and contemplation of the highest authority in the Government.—

7.— They understand, on authorities to which they cannot refuse reliance, that the Head of the Government is now on the eve of leaving the Presidency for a last Tour in the Provinces previously to bidding

bidding a final farewell to a Country in which so many eventful portions of life have been spent, and retiring to his Native land.— Therefore, although diffidence as to our having well executed the work of laying even a foundation, whereon the future building up of the great institution may proceed might induce us to defer the exhibition of it into public view until further meditation and revision by ourselves and correction of it by counsel and direction of higher Judicial Officers, we have been induced to the boldness of immediately presenting this Offspring of our thoughts to the eye of the Head of the Government, in order that if his wisdom, may, though not approving of the manner in which the work is executed, discern sufficient evidence of the utility and policy of the plan, he may not only be able to avow sentiments which may conduce to a more regular pursuit of the undertaking, but may be induced during his last personal inspection of the Provinces to enquire whether they have as yet attained such a state of improved Civility as to be fitted for being presented with so great a privilege, as a last permanent blessing bestowed after many endeavours to promote the cause of public Justice.— It may be unnecessary further to pursue our explanations in Apology for this direct address; and we may conclude them by the avowal of hopes that our labours may be found to be in general correctly executed, and that the inherent virtue and policy of the institution, whose advocacy has been undertaken, may justify us in believing such a plan to correspond in principles with those

improvements

improvements, which the Honorable the Governor in Council is desirous of ultimately introducing into these Territories; and on such grounds to trust, that the first experiment of trial by a number of Jurymen in the interior may be furthered and honored by being commenced under the auspices of the present Head of the Government.— 15

8.— A long comment on the excellencies of Trial by Jury, or lengthened discussions about the defects to be found in a System wherein the proceedings of Justice depend, in a great measure on the learning, intelligence, and uprightness of a single individual of the Moohumadan profession of faith, would be superfluous.— It would in an address to individuals of common capacity of mind be similar to an officious eagerness to demonstrate objects which obviously present themselves to view; but in an address of the present nature such discussions might amount to a blameable encroachment on the valuable time and consideration of the high authority whom we have assumed the boldness to address.— A few observations however touching the more important points may be expected at our pen, and we shall therefore venture to treat of them in a brief manner as introductory to their contemplation.—

9.— If in the first instance the popularity of the measures be contemplated, there cannot we presume be the least doubt that; after the total exclusion of the feelings of the European Officers concerning one of the most precious and great of their own national institutions from the scale, the popu-

larity

larity of the Trial by Jury of twelve of the Countrymen of an accused prisoner, who are held to be select in each case over trial by, it may be said, a single Juror of the Mooshumadan religion, permanently serving in the Court, most greatly predominately. — It is seldom that in such a mode the accused can regard his case even if he be a Mooshumadan to be subjected to the deliberation of any one of his Countrymen. —

10. — The advocates of Mooshumadan Law may now indeed advocate claims founded on the practice of it in Criminal affairs during a period of Twenty five Years; but it is notorious that on the first attempt of the Government to introduce the Law in 1802, so few even of the highest ranks of the Mooshumadan Subjects of these provinces were found to have acquaintance with its rules, Ordinances, and principles, that it was requisite to import knowledge from a foreign land, and even unto this time many of the Sworn Officers, to whom the acquittal or condemnation of prisoners are in the first instance entrusted, as single assessors of the Court, are persons who have been induced, at a considerable expence to Government, to exile themselves from their Native lands, and seek to further their own interests by serving as Interpreters of the Law in this. — Many of these Mahomedan Gentlemen do not by birth owe any allegiance to the British Government, but have been born so far in the North of Hindostan, as the Dominions of the King of Oude. — No reflection is intended towards the two respectable Officers of the Court in the Centre Division, but they form an

Example

Example of the Office of Juror, bound to enquire and declare the truth, being held by foreigners. — The disadvantages attending the foreign condition of the European Judges have been too frequently discussed to need remark; but it may be often observable that the disadvantage attending the Service of other foreigners may in some respects be of a more inveterate description. — The tendency of difference in religion to create prejudice will not be treated of in a paper whereby the most liberal toleration is advocated. — The European Officers are disposed by nature, or by the injunctions & principles of their Service, to draw nearer to the natives by endeavours to learn the most common language of the Country in which they dwell; and if frequently unable to acquire a chaste knowledge of the same to employ their knowledge to the extent of their acquirements and in some instances the foreign gentlemen who are employed for the duty of administering Justice in the next grade to the European Judges have been induced to follow the Example so set, or rather it may be said, the Example is followed by the Mahomedan Law Officers now occasionally selected from Natives of the Country; but the inveteracy of old habit is frequently perceivable, and the individual who fills the next Office, because of being exclusively versed in the Arcana and depth of a Law written in Arabic, endeavours to preserve as great a distinction of Character touching his personal conduct, as that Law itself can claim in respect to a country wherein Tamool or Telegoo may be the only languages generally spoken, and, to preserve a character so distinct from the other

Natives,

Natives, will not condescend to the use of the Native languages, though some knowledge of them should, by dint of hearing them for a long course of time, have fixed itself on his mind. — We intend not to pursue the subject further than to remind that the result is the necessity of a very general use in Court of the language of Persia, scarcely known to any persons except the Clerk and the Law Officer, so manifesting his claim to a descent from the more Northern Mahomedan Nations: and though a man can scarcely be represented to be tried by his Countrymen or in his own language when the primary expounder of the Law and the record be of such anti-domestic qualifications, it must be acknowledged that the Persian translates of Proceedings in a Court before which a Malabar or a Gentoo is tried are considered as the record of the highest authenticity in many cases; for, although in cases concerning which more discretion is given to the European Judge the Tamul original in trials of a man of Tamul extraction, and the Telinga of a man of Telegoo descent be the vehicle of information to which they properly resort, the reference to such a Mahomedan Juror, as the single Judge of the fact, has led to the necessity of all cases, so referred, being with great labour and expence written in the language of Persia, and to the records, in the language of that distant empire, serving in the highest Court as the Original from being the only record which is transmitted, it may be erroneous to add in the Native languages. —

We

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11.— We trust that it cannot after any reflection be considered that the proposed modification would, if carried into effect, decrease the check under which the office of Judge is exercised.— It is indeed evident that the functions of the Mahomedan Assessor before described will be diminished; but these functions are only removed from the individual to be exercised by several agents; some of these Mahomedan Gentleman of respectable character, and upright principles, like the Quazee; and others of them men of indigenous qualities in addition to the above virtues.— We cannot conceive it possible that the check of the one shall be considered more operative in its good effects than the check of the many: that the Minister who seeks to secure the favor of the European Officer with whom he serves because of prospective advantages to self interest either in promotion of self or friends, or a pension when his own labours end; is essentially adapted to be a more efficacious check on the Judge than the call of many independent Jurors to the Sessions, and the constant sitting of twelve independent Countrymen possessed of the confidence of the prosecutor, the prisoner and the Court, to represent the public, if no other private persons be attracted to hear the trials.—

12.— One consequence may indeed arise from the use of Juries; that is some Court rooms must be increased in size: for though they may still shew vacant spaces while there is no Jury; and while half of the proceedings be repetitions made in the language of Persia which none understand; and so

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it often happens that no one is in the Court except those concerned in the labours of Office; there would be an attentive public constituted of a Jury which is as twelve to one in comparison to the Jury or sworn mediator before employed; or as one to thirteen accounting the functions reserved for the former Assessor; and many residents of the District would attend to hear the proceedings in Court.– Not only must this tend to more strongly enforce the constant attention and energies of the Judge, who might be of indolent habits, or be unintentionally dulled by the effects of climate; and the record, and repetition of the same matter in Native and foreign tongues; but must have its correspondent effect on the parties and witnesses.– A more abundant harvest of truth, the most nutritious element of justice, and sound morality, and policy, will be reaped through such attendance; and the enquiring observation of the public will move the hearts of witnesses and bind them to a stricter adherence to veracity; when giving that evidence, whereon either the verdicts of a Mahomedan Jurist, or of twelve select Jurors of the country must ultimately rest.–

13– Many parts of the Regulation will speak for themselves in shewing the reason whereon alterations are suggested.– If the employment of Jurors belonging to the Zillah to decide on the facts render like duties on the part of the Mahomedan Law Officer unnecessary, the proceedings will be expedited by a record in the language of Persia in every case becoming superfluous and no longer a labour & expence of essential necessity.– It will be observed that

that according to the plan, records of considerable labour are proposed to be still made. – This principle may be at variance with the quicker conduct of trial by Jury as observed in our Native land and in the King's Courts in this and many other dependencies of Great Britain to which the great and excellent privilege of trial by Jury has been already extended and acknowledged to have approved itself to be of good and certain effect; but we have early in this paper avowed ourselves to have sought to restrain, rather than to give full scope to, the thought and affection we entertain about the institution. – We have, in interfering in any respect with the Mahomedan Law, done so under great caution and courteous deference to those who, exclusively of subjects of that persuasion, may advocate it's virtues and fitness for dictating the principles whereon men of all persuasions are to be held indemnified from all ill; to be protected, convicted, or acquitted, in this Southern extremity of the continent of Asia – Thus, though under the English law, a person pleading guilty to an indictment which plainly defines crime and arraigns the prisoner of the act so defined, is set aside, until the Judge pronounces the sentence which the Code of law enjoins, it is proposed, since it has been customary, the former practice of the Courts to refer such cases to the law Officers, to do the same instead of proposing to commit the discretion to the Judge or using the mediation of a Jury, when the Challenge of Jurors might be necessary and cause, even after a plea of guilty, long proceedings and occupations for the Court. – In

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these cases a record must still be kept, if the
sure be approved, in the language of Persia, su
a labour becomes unnecessary in all the grea
Cases. — For though it is proposed to still fol
in every case the principles of Mahomedan
many of them have been so explained and mo
fied in the regulations that no surer or more au
thentic source can be resorted to than the prin
ed words of the Code which has already esta=
blished the constitution of the Country. — Indeed it
would be superfluous, be. as under the present
practice, to have recourse to the Mahomedan Law
Officer, for if a man be convicted by the Jury of hav
ing seriously wounded another and robbed him b
open violence, the Code fixes his punishment, an
it would be a very redundant formality to hav
the Law Officer to declare the convicted liable
to suffer the amputation of two limbs in order
for the Court to declare that such punishment
cannot take effect, but that the penalty spe
fied in the Code must be pronounced. —

14. — This subject might be treated of
in different ways and lead to observations on th
scruples and bars to which the Code allows no
operation, however they be advanced in verdicts
grounded on the Moohummadan law. — For
though the Court allows amputation of a hand
to be the measure through which a commuted
punishment is to be dealt out to a convicted pri=
soner, amputation itself is in no case allowed to
be inflicted, whereas it is the almost capital na=
tur

ture of amputation of a limb by an executioner that exclusively of its cruel and crippling effects, if some of those so punished do survive the operation, that justifies in Moohummadan law the merciful use of such scrupulous objections, so they are no longer reasonable when a mild punishment which does not endanger life or limb is to be inflicted. –

15. – Under the present proposal the Jury of twelve would decide as to the fact and whether it be a theft of a certain amount and aggravation. – The Code then fixes the punishment, and to apply to the Moohummadan law Officer in such a form that he might advance his scrupulous objections only that the Court might over-rule them and have recourse at last to the letter of the Law, would be creating work, writing and trouble for their own sakes. – It is however proposed that when the Code has not ordered the specific punishment by either originally enacting one, or modifying such as the Moohummadan law may enact, reference should be made to the Moohummadan law Officer; not to ask if the prisoner be convicted; but to lay before him a definition of the Crime of which the Jury has convicted the prisoner and to enquire how a person convicted of such a crime under the Moohummadan law would be punished. – In these references to the Law Officer the writing of the record in the language of Persia is unnecessary, and so also when it may be necessary to consult him about particular points of evidence concerning which the Jury entertain doubt, such

questions

questions, concerning which alone his judgment is to be taken, are definable, and can in such state be put and answered, we presume, with the greatest accuracy, expedition and other advantages.—

16.— It is very essential to the constitution of Juries that trial should be made with despatch, so that the Jurors should retire with memories fresh with the knowledge of the evidence which has been given before them, and the conduct of those who have appeared to fulfil under the view of the Jury the momentous duty of witnesses.— But since we have not been emboldened to extend our plan unto the immediate introduction generally of the mode of trial, and have restricted our propositions to an experiment of the fitness of Native juries to administer justice criminally, we have found it necessary to adopt such modifications, which, though they may appear to surrender the great virtue of promptitude, for which trial by Jury has otherwise been celebrated, can alone afford opportunity to the highest Court, now invested with a power of Superintendence and control in the Judicial Department, continuing its inspections of the proceedings, and observing how far the determination of the Case be in accord with the evidence brought before the Court.— Unless a detailed record be made, this advantage of experiment could not be expected; and then if reasons for the introduction of trial by Jury were found to preponderate over those which could be advanced for the permanency of trial by Mahomedan law, as interpreted by

by some one or more individuals to be selected from the private ranks of society, to direct in matters of such legal learning, the moral might be, that no half measure should be pursued, but trial by the greater Jury be introduced at once throughout the Presidency or its introduction at any future time be condemned.—

17.— This is a conclusion which we cannot expect to be entertainable by any persons accustomed to contemplate the differences existing between the two systems of trial: and we take the thesis, that it is desirable to introduce in due season the trial by Jury, to be one, of which no denial is made.—Therefore, although we perceive that objections may be made to a partial introduction into one district of the privilege, because it is in some degree a departure from an equal administration of justice to all ranks, still, as the punishment which concludes a trial is to be the same under the system of jury by twelve, as that wherein one person makes the verdict; and the design is, that if the juries operate good in the Zillah of Chittoor, all other parts of the dominion should participate in the blessing, we trust that the design will appear to be the best means of taking the first step to promote the cause of equal justice throughout all parts of the Presidency for whose prosperity these efforts are now made.—

Not only has the legislature of Great Britain been very lately adding much to the perfection of trial by Jury in 6 Geo. IV C. 50 entitled an "act for consolidating and amending the laws relative to Jurors and Juries", but the grand deputation of the chamber of deputies in a neighbouring nation of the highest rank, power, and civility, when alluding, a few months ago, in an address to the head of their Government to the "Charter which consecrated the institution of Juries", declares the approvers of the institution to have claims to the gratitude of Mankind.— Mr. Kennedy, an author who, in last July treats of the above bill lately introduced by Mr. Peel; asserts that even the accomplishment of a part would have been an undertaking worthy of any statesman & have justly entitled him to the gratitude of his Country."—

18.— If record be equally made before the Jury, as before the Mahomedan law Officer, in order to afford to the Higher Court knowledge of the manner in which the Jury may work in the Zillah, in which the experiment be made, it has been objected that a great virtue of the mode of trial of dispatch may remain untried.—

tried. — A wish to preserve the control of the higher Court, and at least not to evince any disposition to separate our ownselves, while we would rather misgive our own talents, from such a guidance, has induced us to lean, in our suggestions, to all measures, which may preserve to the higher Court a control, as heretofore: but it has been suggested to allow room for trying how far juries may be qualified to decide cases truly and justly with the greatest dispatch: and though, after all, cases wherein the plea of guilty be made, and all cases, of sufficient importance to eventually merit to be referred to the Foujdarie Udalut, or called up by it, be excepted, a very confined room for directing the experiment to the quality of a dispatch, may remain; we have ventured to introduce a Clause, which allows of such experiment being, if occasion offer, attempted: but to require that the Judge do then place his notes on record, so that the higher Court may, if it be deemed necessary, refer to them; and judge how far the experiment may be favorable to the general introduction of the privilege without reserve. —

19. — We acknowledge it to be our opinion that little doubt can be entertained on the subject of the result of this mode of trial proving its own merits, and thereby establishing its claims to the future support and favor of the Legislature. — An alteration of practice from forms sometime established will indeed be subject to some impediments, until persons become acquainted with the duties, be they of new origin or the re-establishment of such as in former times have been very familiar to the ranks now called in to execute the same. — The defence of the exclusive privileges of the Mohammadan

law

law, and of the private men who in late years have been accustomed to undertake to interpret the same, and, drawing its arcana from their concealment in the Arabic tongue, to make it manifest to the large mass of society which is supposed, even unto the Judges, to have little, if any, certain knowledge of its mandates, is to be certainly confined to the Criminal judicature: for throughout the Civil departments of justice the law of the greater portion of subjects and the more indigenious constitution of the Country, is allowed to prevail without any invasion whatsoever of the same, because of opposite or different principles entertained in the writings which constitute the Code of the Moohammadan Countries, in other parts of Asia. — In such respects the utilities of an acquaintance with the directions of municipal law as shewn in the definitions of the best writers are preserved to the people. —

20.— The Mohammadan law has however, under the sanction of the British Government, formed for twenty five years and upwards the rules of guidance to the Criminal Justice of the Country under some modifications by the printed Code: and the directions of more learned Mahomedans who have been induced to visit the Presidency from distant lands: yet these events followed circumstances of a Character very distinct in their nature and arrangements. — The design of this paper is to evince a disposition favorable to the laws of a large portion of the subjects of this Country which may be comprehended in the Mahomedan ranks, though that portion be

be comparatively greatly inferior to the number of
Natives who acknowledge a more indigenous allegi-
ance to a law which may advance claims in com-
petition to those of its rival. - It has been premised
that the British legislature has in the Criminal
department already given the weight of its sanction
to that scale, wherein the Mahomedan law is placed;
and secured to it a certain preponderance over that
influence which the other portion might otherwise
desire to see re-established. - Propositions for either
using the Hindoo law or substituting the rules of
English law have been carefully avoided. - The di-
recting influence of Mahomedan law has been pre-
served except in instances wherein modifications
have been already sanctioned by the British le-
gislature; and we propose no substitute, either in
respect to evidence or the nature of crimes and their
punishments, to the guides to which the British le-
gislature has already given so strong a footing. -

21. - The right or property of a single
member still retaining the guidance in the enquiry
and declaration of the truth, may not however, it is
presumed, be reasonably argued on the grounds of
such being the practice which has continued a quar-
ter of a century, though unknown during the many
ages which had before passed away, since the same
country had undoubtedly attained a great state of civi-
lity. - The argument will not be pursued into a dis-
cussion whether trial by a number of countrymen
being allowed in Civil cases, and of the reasons where-
in those trials by a number of selected Judges have been
likened

likened unto trial by Jury, though under different modifications to the arrangement now proposed for that of Criminal Justice. - Time will not permit arguments in the affirmative and negative of the said proposition being introduced into this address, but we venture to observe that even some parts of the Mahomedan law display analogies to the origin of the British custom of trial by Jury; in which originally, endeavours were made, by collecting the neighbours, to bring together the best witnesses to the fact. - Under this view of the case, the form whereby under Mahomedan law fifty of the neighbours should be sworn when a person was found murdered was a species of Jury, and the rule by which the witnesses in cases of adultery should throw the first stones, rests on the verdict of fellow countrymen being able to determine a man's guilt. -

22.- We are inclined to think that the institution of Juries cannot be altogether accounted an innovation on the manner of administering justice in the Country. - Many cases of much importance have already been removed from the usage of first receiving the interpretation of the Mahomedan law from a Mooftee. - Enquiries, made preparatory to this proposal, shew that during a Mahomedan rule of the Country the cases of less importance were left to the decision of the Quazee; and that in others of greater importance, even the Mahomedan rulers were wont to assemble a Mahookamu, or a body of select Judges, like as in the many ages which preceded such rule by a nation of foreign invaders, the Hindoo rulers had frequently observed the usage of entrusting sabbas or convo-

cations

cations with delivering their verdicts in cases of particular moment.– So far it has been alledged that trial in the greater cases by the verdict of a sworn interpreter of the Mahomedan law, is chiefly attributable to the constitution conferred on the Country by the British Government.–

23.– Though the practice so engrafted on the constitution of this country has endured for the period of one quarter of a Century, that interval is as nothing when compared with the antecedent ages; and though we would reverently and with the utmost caution approach every institution which, however modern, has been sanctioned by Government, we are not aware of the favor of the British rulers over the Country being so fixed on the futwahs of Mahomedan law Officers as to render an advocacy for some return to the ancient usage of receiving verdicts from Sulbas or Moohookumas, to wit collections of the Countrymen of the accused, improper in our parts, or liable to cause dissatisfaction to any real friend to an equal and impartial administration of the most substantial justice.–

24.– On using the designation which Mahomedan Governments are reported to have given to the Judges or Peers whom they convoked for the trial of particular cases, we give it as reported to us without undertaking to determine whether the name was correctly given in the first instance, after such convocations have been disused for years, some time may elapse before their discipline be restored.– Regulation XXXV of 1802 may, like some other local laws, in some respects be serviceable

viceable for some precedent to our plan. — It is a law made for one particular district, not for the equal good of all. — It was framed for restoration to due effect of the ancient means of police and by placing them under other direction for their invigoration being assisted by an union to other means derivable from more regular arrangements of a like nature in Europe. —

25. — As to the standard of qualification for Jurors, that must rest with the wisdom of Government to fill up. — The lowest sums have been introduced in that case; and in case of fines to the best of our present judgments; but other figures more appropriate can be easily substituted; and though some inconvenience may be occasioned by the numbers of juries being unacquainted at first with their duties, a recollection of the Native Gentry having already served in Moohookumus or Sabbas with greater popularity than is at present ascribable to trial by futwah in the language of Persia by a Mahomedan law Officer generally of foreign extraction, and of their being at the present moment in each Zillah a numerous class of Moonsifs and of assessors to Moonsifs, without calculating those accounted qualified to serve on Punchaiyets, lead us to presume, that there will be after a time no deficiency of well qualified Jurymen to serve under the directions of the European Judges, and deliver verdicts effectually serving to promote the cause of Justice and the peace and welfare of their native land. —

26. — It will indeed fall to the duties of the European Judges to advise the Jury in difficult points of

of law, and we may acknowledge some misgiving when we consider how far the talents of ourselves, if we serve as Judges, be fitted for the attempt.— It will be a new Office to the Judges, and one which will require great deliberation on their parts.— But the arrangement may ultimately relieve them greatly from the various duties of being also Clerks and Translators who have to prepare many records for reference to the law Officers of their own and higher Courts.— If the labour in the subordinate capacity be curtailed, it opens greater opportunity for the attention being turned to mediations & study of greater moment.—

27.— Even in the trust of Punchaiyets to the direction of Village and District Moonsifs, inexperience might be expected, as also happened in the case of Mahomedan law Officers at their institution twenty five years ago.— Then almost every law Officer of a rank to take part in the deliberations of Criminal Justice was a foreigner by birth and education.— Many of them came indeed from families resident in the dominions of the Nabob, now King, of Oude & therefore they owned, as Natives, allegiance to His Highness the Vizir.— Though unwilling to highly rate self abilities, we in the cause of ourselves and fellow Judges venture to express a hope, that we, though also foreigners, may be enabled to fulfil the functions which will appertain to us in a mode of trial by jury with benefit to this country and credit to the Country of which we claim the honor of being natives.— We are bound by a strong allegiance to its institutions, among which that of trial by Jury holds a high rank, but

still

still more pre-eminent is that which enjoins the justest treatment of the Natives of this Country, and cherishes in us the national spirit of order that would not only emulate but surpass all our predecessors in the advancement of justice; in religiously conferring on our neighbour the good which for ourselves we should prefer.—

28.— We have ventured to propose that a Majority give the verdict.— When all must concur before a Jury be discharged, and yet cannot, it becomes necessary to break up the Jury by withdrawing a Juryman.— But when a majority can form the verdict, such necessity can scarcely occur.— On the arguments respectively used even in Europe in support of the concurrence of the whole or of a Majority, we shall not dilate, but the Majority appears to us to be the preferable form of trying the effects of Juries in the first instance in the interior.— The practice of some natives in enduring long fasts, and if food were granted, the difficulty of a body composed of different castes being supplied with food while still assembled, and external intercourse be forbidden, might be used as topics in favor of a majority being the form selected.— Policy appears to teach that the respect of the Jury should be promoted by every attention to its comforts.— Since many elderly men will have to perform the journey, a measure of twelve miles per day has, in respect to subsistence, been proposed; and this an elderly man may perform without being harrassed.— The attendance of forty eight Jurors will, under the present plan, cause no greater expence than twenty four Rupees per day to Government.— But if their

labor

labors decrease crime, the profits of the public are incalculable.—

29.— In a Regulation respecting Juries some rules about the functions of public prosecutors and of counsel being allowed to the accused, might have been introduced, but since these and like subjects rest on principles which may alike apply to the antecedent mode of trial, they have been carefully avoided, and left in their former condition.—

30.— On minor points we shall not now observe.— The Jury will of course decide on evidence according to the dictates of common sense, and the best advice and counsel they can derive from their own reading and moral reflections, and the counsel, but not dictates of the Court.— Faults may occasionally occur, but no opportunity will remain for the organ entrusted with the delivery of verdicts constantly undertaking acts of legislation, instead of Judicature.— If a Mohomedan law Officer can now determine to acknowledge no validity in the documents made in the numerous Offices of Heads of Native police, though the Heads of these Offices are of high rank and trust as public ministers of the Government whom they, the law Officers, themselves serve, and the legislature has declared that the writings of their fellow servants, made under the provision of the law, shall be valid; such a determination cannot endure in a mode of trial by Jury, neither will the doors of evidence be closed at once against the admission of any witness who is actively concerned in the police of the Country, but the competency and general honor of

their

their fellow countrymen who hold such public authority, and the competency of men who courageously seize offenders in the act, and whom the Government propose to reward for meritorious services, to give evidence and to do so with the same meritorious uprightness that urged them to before serve, instead of desert, the cause of the public, will be acknowledged, and their credit duly weighed as respects only the particular trial.–

31.– Thus, in a trial by Jury, all the great objects and essential interests of justice will, it is trusted, be assured of an appropriate degree of attention.– The innocent will be secure from falling victims to any unjust prosecution, but the man really Criminal will find it more difficult to escape with emboldening impunity.– So the good of public justice will be realized even to its capital property of protecting the person and goods of individuals from injury, while it prohibits all men from taking justice into their own hands, and so the companies of licentious persons, who have, whenever escape is too easy, roamed about the country to the distress of the honest and respectable residents, will disappear; and this be effected with the least possible degree of danger to every man who can in truth plead before his Countryman that he has been guilty of no crime.–

We have the honor to be,

Honorable Sir,

Your most obedient humble servants,

Signed, T. Newnham
J. Dacre.–

Pullamanaree
26th May 1827

(A true copy)

W. A. [illegible]
Secretary to Govt.

Re.

37

A.D. 1817. Regulation.

A Regulation for introducing trial by Jury into the Criminal Judicature of the Zillah of Chittoor in modification of the present mode of administering Justice. Passed by the Honorable the Governor in Council of Fort St George on the of 1827 corresponding with the of of the year Surwajetoo 1749. year of Saliwahu, and with the of 12 Hijeree

Preamble. 1. Whereas it appears to be highly desirable and expedient that the inestimable advantages of trial by Jury, already granted to the Capital should, with some modifications, adapted to the circumstances of the Country, such as a Majority establishing the Verdict, like in certain parts of the European dominions of Great Britain, be extended to other parts of the territories subject to the Presidency of Fort Saint George; And Whereas the Honorable the Governor in Council has, as a preliminary measure, whereby to prepare for a more general introduction of the said mode of trial, and to establish an uniform and well regulated method for the enjoyment of this great right by all subjects of the state, determined, to employ it in the first instance, in a single district, in order that experience

may

may either prove the proposed arrangements to be suit[able] to the modern condition of the Country, or guide to rules better adapted to the general operation of a mode of trial, which, being from the remotest ages a popular institution in Great Britain, corresponds in several principles with the manner of administering Justice in the Moohukumus, or Subbas, that, according to ancient usage, the Moohummadan and Hindoo Rulers of the Country, were wont to assemble for the adjudication of cases of extraordinary moment.— The following regulation has therefore been enacted to be in force from and after the date of it's promulgation.—

Cases brought before the Quarter Sessions at Chittoor to be tried by a Jury and not decided by futwah of the Moohummadan Law Officer.—

II. First — Trial by Jury shall be employed at the Quarter Sessions of the Zillah of Chittoor; that is, part of the functions hitherto discharged by a sworn Assessor, appointed for the interpretation of the Moohummadan law, shall be entrusted to a select and sworn number of the fellow Countrymen of the accused, who shall thus, so far as is practicable, be tried by their peers.— The verdict of the said body, or Moohukumu, or Subba of Jurors, shall at the conclusion of the trial be the organ to, in the first instance, declare the guilt, or innocence, of the accused.—

The Sentences of the Court to be guided by the rules of Moohummadan law as declared and modified in the regulations.—

Second — The Court of Quarter Sessions when determining the measure of guilt, and penalty of a person convicted by the Jury, shall still be guided by the principles of Moohummadan law as they are declared or modified in the Regulations now existing; but in consequence of the functions of enquiring of, and adjusting questions of, fact, and declaring the truth thereof,

Mode of seeking the opinion of the Mohummadan who interprets the Law modified and the guidance thereof occasionally dispensed with.-

thereof, being entrusted to and to be discharged by a Jury of greater compass and effect, to be returned to serve on each trial; the rules heretofore enacted for obliging the Courts of Circuit to frame their Sentences according to Verdicts specially obtained on the evidence to the facts of each case from a single permanent Assessor of the Court will be so modified, or dispensed with, that the necessity of the Court seeking such guidance from their Mohummadan Law Officer and strictly following the directions which the said sworn Assessor or Law adviser may deliver, shall be restricted to the instances hereafter particularized.-

The Jury to consist of twelve men.-

The Judge who presides to be guided by the verdict of the Jury except in certain Cases.-

III. The Jury to be called in each trial before the Court of Circuit at Chittoor, shall consist of twelve respectable Natives; and the Judge of the Court of Circuit who presides at the Quarterly Sessions at Chittoor, shall, excepting under the reservations hereafter enacted, be guided by the verdict, which the said Jury shall deliver, and pronounce Judgment in conformity to its determinations with reference, as aforesaid, to the principles of Mahomedan law.-

Majority to determine the Verdict.-

IV. First.- A Majority of the twelve Jurors shall determine the decision which is to be delivered as the Verdict of the Jury by the Foreman to the Judge in open Court.-

No conviction except by a concurrence of eight.-

Second.- A concurrence of eight of the Jurors shall constitute the Majority that is adequate to establish a verdict of the guilt of the accused.- If eight of the Jury cannot concur in the guilt of the accused, the Verdict shall be accounted an acquittal.-

Each Juror to be sworn.-

V.- First.- Each individual of the Jury shall be

be sworn according to the form sanctified by the religion which the Juror professes.— No one shall be allowed to sit on a common Jury until he have taken in open Court the prescribed Oath.—

No one to sit on one of a common Jury, until he be sworn.—

Second.— If, in the assembling of special Juries for the trial of Cases of particular importance, or the trial of persons of high rank and condition in life, it becomes expedient to summon for the said Jury persons, to whom, according to the usages of the Country, it may be objectionable to administer an Oath in open Court, every such individual shall, previously to his admission to the Office of Juror, sign in open Court a solemn obligation which shall in such case be held to be equivalent to an Oath, and to be equally binding on the conscience and conduct of the individual.—

Proviso for the assembling of special Juries.

Persons of the highest rank must sign a solemn obligation before they can be allowed to sit on special Juries.—

Third.— The form of Oath which a Juror shall take, or shall subscribe, in open Court shall covenant that he shall well and truly try the prisoner, or prisoners, at the bar on the Charge to be preferred, and a true Verdict give according to the evidence.—

Form of Oath and of solemn obligation.—

VI. First.— The Jury shall be returned from among the most respectable, opulent, and best educated residents of the Zillah.— The qualification in respect to property of a Juror shall for the present be held to be the possession of an income of Three hundred and fifty Rupees per annum derivable either from land exempted from, or paying, revenue to Government, or from commercial proceedings, or any honest profession and calling in life, or rent of houses, or emoluments of Office, and beneficies in general.—

Only members of the most respectable, opulent, and best educated part of the society eligible to serve the Office of Juror.—

Second.— As a principal object of this experimental

The accurate settlement

of standard of quali-fication, a chief ob-ect in the present experiment.—

perimental measure of at first introducing trial by Jury only into a particular portion of the Presidency, is to obtain the experience whereby to accurately determine the standard of qualification that is best suited to the present condition of the Provinces, the convenience of the classes on whom the obligation of serving the office of Juror will fall, shall be sought by lowering or raising the standard of qualification in respect to property, but such standard shall in all cases be kept sufficiently high to uphold the honor of the institution, and the respectability of the ranks which serve therein.—

Standard to be lowered or raised.—

But respectability & the ranks of Jurors carefully preserved.—

Court of Foujdaree Udalut authorized, under certain circumstances, to reduce the standard.—

Third — If a sufficient number of persons qualified as above mentioned in respect to property, as well as in respect to education, be not found to be residents of the Zillah, so as to allow of the Juries being assembled without inconvenience to the individuals who own these qualifications, the Court of Foujdaree Udalut are authorized, on the subject being communicated by the Provincial Court of Circuit, or through that Court by the subordinate local authorities, to reduce or raise the standard of qualification in respect to property during the continuance of this experimental measure.— The qualification as to property, shall, if practicable, be so fixed, that no qualified resident shall be obliged to serve as a Juror during more than one Quarter Sessions of Jail delivery in every two years.—

Qualification of Jurors restricted to persons of education.—

Fourth — No person shall be qualified to serve on a Jury unless he be able to read and write one of the Native languages used in the Zillah, or be otherwise a man of some skill in the more learned languages wherein the religious books of the Country be written.—

Fifth—

Further restriction in respect to age.—

Fifth — No person shall be qualified in respect to Age, until he have obtained the Age of Twenty One Years.—

Exemptions from serving on Juries.—

VII. The following persons shall be exempted from the obligation of serving as Jurors.—

Being of great Age.— 1st. Persons of Sixty Years of Age & upwards.—

Or diseased.— 2nd. Persons afflicted with diseases which confine them to their houses.—

Or of superior rank.— 3rd. Zemindars and Jagheredars of superior rank.—

Or of recluse habits.— 4th. Ascetics and persons who by habit, or by religious vows, have relinquished the practice of going forth into public and engaging in worldly concerns.—

Or of religious orders.— 5th. Persons devoted to the Service of religious Offices, such as Peers, Faquers, Gooroos, Muthew Huthes and other Priests.—

Or being Physicians.— 6th. Persons who openly and constantly practice the profession of Physic.—

Or Judicial Officers.— 7th. The Law Officers, Vakeels and Servants of the Courts at the Suddur Station of the Zilla.—

Or Revenue.— 8th. The Servants of the Revenue Department of the Zillah.—

Or Military.— 9th. All Soobadars and other Commissioned Officers in the Military Service of Government.—

A book of Registry of Jurors to be kept in the Zillah Court.—

VIII. *First* — A book of registry shall be kept, wherein the Names of all persons qualified to serve as Jurors in the Zillah; including those who may be for special reasons exempted, shall be entered.— This registry shall

shall be carefully preserved in the Zillah Court except during the Sessions when the Nazir of the said Court shall attend with the same Court where the sessions are held in order to its being ready for use whenever need of reference to its authority may occur.—

[Ju]ror's book to be made [ou]t by the Criminal Judge.—

Second.— The said book shall be made out by the Criminal Judge.— He shall diligently reject from the list the names of those who may appear to be disqualified, either from deficiency of education, property, age, or other qualities, such as former conviction of and punishment for crime, but shall carefully include the name of every individual who is a duly qualified resident of the Zillah and shall vigilantly preserve to each member of the superior and more respectable portion of the society, the right and privilege of serving in due time in the honorable functions of the institution.—

[N]ames of disqualified [pe]rsons to be rejected [th]erefrom.—

[Ri]ghts of qualified [pe]rsons to be carefully preserved.—

Third.— To enable the Criminal Judge to form the list of Jurors aforesaid the Collector of the Zillah shall on the first day of the second month of the fusly Year send to the Criminal Judge of the Zillah a list of persons accounted, according to the best information obtainable in his department, to be qualified to serve on a Jury.—

[L]ists of Jurors ob[tai]nable to be formed [by] the Collector and [sen]t to the Criminal [Ju]dge for Registry.—

Fourth.— In order to prepare with due expedition and accuracy the information so required the Carkoons, Turfdars or other Officers under whatever denomination, who are charged with the Superintendence of summits or the primary subdivisions, however named, of talooks shall proceed on the first day of every fusly year to prepare residents of the subdivision qualified to serve as jurors.— The said lists shall be forwarded on or within the tenth day of the fuslee year to the tuhuldar of

[F]rom lists to be made [ou]t and sent to the Col[le]ctor through the Teh[si]ldars by the Subor[di]nate Revenue Officers.

[A]nd these lists to be [re]newed annually at [t]he commencement of [th]e Fusly Year.—

of the talook who shall within ten days forward the lists received from the different summits to the Collector, accompanied with any remarks which he may see necessary to make in order to improve, enlarge, or correct, the lists of his subordinates.—

The form of Registry prescribed.—

IX. First — The names of persons qualified to serve on Juries shall be entered in the book, and in all the preliminary lists, in Alphabetical order.— The list shall be formed in columns; in one, the number shall be recorded, in another the names, in another the style, or calling, in another the residence, in another the talook, in another the religion, in another the qualification to serve, and in another the causes of exemption.—

Appeals allowed to persons considering themselves unjustly excluded from the Jury lists.—

Second — Any person who may consider himself to be unjustly excluded from his rank in the higher portion of society, which is privileged to exercise the honorable functions of jury, shall be allowed to appeal from such exclusion in any stage of the preliminary measures for forming the List; and the Officer receiving such appeal shall add to it a note of his Judgment of the correctness of its contents, and the next superior authority shall either recommend or disapprove of the introduction of the name in the list according to the best judgment which he can form on the occasion.—

To whom to be preferred.—

The Criminal Judge to decide on the Appeal,—

Third — The Criminal Judge shall introduce the name of the said person in the list, or keeps it excluded according as in his judgment the appellant may have established, or not established, a right to the rank in society which he claims; and the Criminal Judge shall, after completing the list transmit the book to the Provincial Court of Circuit.—

And subsequently to send the Jurors book to the Court of Circuit.—

Fourth—

Further Appeal against exclusion allowed to the Collective Court of Circuit.— Their decision final.—

Fourth — The Collective Court of Circuit shall again hear any appeals against exclusion from the list, and, having either admitted, or finally excluded the appellant, shall order the seal of the Court and signature of the register to be placed in each leaf of the book, or registry, and a date to be put on the last sheet; and henceforward the said registry shall be regarded as the registry of the current fuslee.—

And the Juror's book, when confirmed by them, shall be the Registry of the Current Fusly.

Similar Appeals allowed to persons considering themselves entitled to be exempted from serving on Juries.

Fifth — The same means and right of appeal shall be allowed to persons qualified as to property and education from whom the exemption of serving may be with-held on insufficient grounds, or those who may dispute their own qualified condition.— The exemption of Zemindars and Jagheredars shall be special; and the same shall not be allowed, except by Sanction of the Honorable the Governor in Council.—

Certain exemptions declared special and requiring the sanction of Government.—

Immediate application to be made to the Criminal Judge & Court of Circuit to Government for its sanction to exemption in such cases.—

Sixth — If the Criminal Judge, and also the Court of Circuit, on the annual revisal of the list shall learn that the exemption has not been extended to any Zemindar or Jagheredar having good claims to the immunity, they shall forthwith make the application, and note of reference, or refusal, of the privilege shall be recorded in the Column of exemptions.—

The Criminal Judge to fix the competent number of Jurors to be summoned at each Sessions.—

But not fewer than 48. nor more than 72, to be summoned without the Sanction of the Judge of the Sessions

X. First — The number of Jurors to be summoned for each Sessions, shall be fixed at the discretion of the Criminal Judge according to the number of Cases on the Calendar, provided that in no instance the number be under forty eight, or beyond seventy two.— If any increase, or decrease, of the number be accounted necessary, the approval of the Judge of Circuit about to preside at the Quarter Sessions, shall be first obtained.—

First —

The manner in which Jurors are to be return-ed from the Juror's book by the Criminal Judge on his receiving notice of the Sessions.—

XI. First— The names of Jurors returned for each Sessions shall be taken from the last registry pass-ed by the Provincial Court of Circuit.— The Crimi-nal Judge of the Zillah shall, on receiving notice of the day appointed for opening the Sessions, proceed in open Court to return the names.— He shall first exclude all those whose exemptions from serving are recorded in the registry, and those who have already attended to serve as Jurors during any preceding Quarter Sessions of the last two years, and shall then, having each name written on its respective Ticket, place the whole of these Tickets in a bag, and, causing them to be well shaken together by the Nazir, he shall himself draw forth, without any selection whatso-ever, a number of Names equal to the number of Jurors to be returned to attend the Sessions.—

After excluding exempt-ed persons, the Jurors re-quired are to be drawn by the Criminal Judge indifferently by lot from the remaining number who may not have served on Juries during two years.—

The names so first drawn to be returned as Jurors, and a list of them to be delivered to the Judge of the Sessions.—

Second— The names first drawn, until the number required be complete, shall be returned as Jurors by the Criminal Judge, and a list of them, signed and dated the same day by the Judge, shall be placed on record, and accompany the Calendars which he delivers to the Judge presiding at the Sessions.— A list of the names of the Jury so summoned shall at the same time be fixed up in the Zillah Court, that the parties may have notice of the Jurors.—

And to be fixed up in the Zillah Court for inspection.—

The Jurors to be summon-ed by the Criminal Judge.—

XII. First— The Criminal Judge shall thereon issue a notice to each individual so chosen, and call on him to attend in Court on the day on which the Sessions may open, and each individual shall acknowledge under his signature the service of the summons.—

Where a sufficient

Second— If the number who can attend of

those

number of Jurors may be prevented from attending the Sessions, an additional to be summoned in the same prescribed form. -

those summoned, be, on account of deaths, or severe sickness, or absence from the Zillah, or other good and sufficiently pressing causes, such as great domestic calamities, and urgent ceremonies of religion, either below forty-eight, or insufficient for the business of the Sessions, the cause which prevents attendance is to be recorded against the name in the said list, and an additional number to supply the deficiency be taken under similar forms from the list.

Persons summoned to serve on Juries, not attending and not transmitting sufficient explanation, liable to pay a fine at the discretion of the Judge of Sessions, not exceeding one fourth of the standard income of qualification. -

Third - If a person, after being summoned to fill the honorable Office of Juror, shall not attend at the Sessions, and not transmit a sufficient explanation, the Criminal Judge shall represent such default to the Judge who presides, and he shall at his discretion direct that a fine be levied from the person guilty of such demerit and neglect of duty; but the fine shall in no instance exceed one fourth of the annual income which forms the standard of qualification. -

Subsistence to Jurors.

Fourth - Each Juror attending, in conformity to notice, the Quarter Sessions, shall receive for his subsistence half a Madras Rupee a day from the day of his quitting his home until his return, provided that in the two last instances the subsistence shall be restricted to the time the journey would last if the person travelled twelve miles each day. - The said sum shall

To be paid by the Criminal Judge.

be duly paid by the Criminal Judge, and the subsistence money for coming shall be paid on the day of arrival of the Jurors and the expence homewards on the days the Jurors are discharged. -

The pannel of the Jury for the trial in case to be taken by the Judge

XIII The Jury for each case shall be returned from the number of Jurors so summoned, and shall be

successively

of Sessions from the Jurors summoned after the method prescribed for returning them in the first instance.—

successively taken for each case by the presiding Judge from the whole number, after the same method as is before enacted for returning the Jurors, in the first instance, from the registry.— The Tickets shall, in this instance, be drawn in open Court by one of the principal Officers of the Court of Circuit.—

Mode of proceeding to trial.—

XIV. First— The Jurors, so returned, shall answer to their names before the accused in open Court; and the accused, being forewarned of the persons, then sitting in Court, being intended to form the Jury which is to decide on his guilt or innocence, shall be arraigned and called on after the form which has hitherto obtained to plead to the indictment, and the plea of the accused shall be recorded.—

Arraignment.—

The prisoner pleading guilty— The opinion of the Law Officer taken and made the grounds of sentence.—

Second— If the accused plead guilty to the charge, the proceedings hitherto observed shall be followed; and the opinion of the Moohummadan law Officer obtained and made the grounds of sentence as heretofore.—

The Prisoner pleading not guilty, a pannel of Jurors called, and challenge allowed.—

Third— If the accused plead not guilty, a pannel of Jurors shall be called over, according to the list, and the accused shall be allowed the privilege of challenge either to the array, or to the individuals of the pannel.—

Challenges to the array admissible only for cause.— How determinable.—

Fourth— No challenge to the array shall be made except on cause certain, substantiated according to the usual forms of trying challenges of Jurors under the approved practices of Courts wherein trial by Jury be held; it being here declared, that it is not designed to define and regulate all the subordinate points connected with trial by Jury, but to charge the Judges

No provision made for subordinate points of practice, but the Judges

with

[Margin:] ...Circuit charged to ac-...ure a knowledge thereof ...nd to maintain the most ...proved practice when it ...ccords with the provisions ...f this Regulation.—

with the acquirement of the common rules which appertain to the practice thereof as respects their national mode of trial, and to maintain the most approved practice during the same mode of trial in this Country; provided that this discretion do not extend to proceed, in any instance, at variance with the rules now enacted.—

[Margin:] The accused allowed 20 peremptory challenges.—

[Margin:] ...e prosecutor allowed a like ...umber; but he shall only ...hallenge for cause.—

Fifth— The accused shall be allowed to peremptorily challenge, if he deem fit, to the number of twenty.— The Prosecutor may also challenge to the same number, but shall assign cause for so doing.—

[Margin:] When Jurors may be ...hallenged, the mode of ...ompleting the pannel ...rescribed.—

Sixth— If Jurors be challenged, the pannel shall be supplied by drawing other Jurors according to the forms before directed for forming the Jury in the first instance.— When, because of further challenge, the number may still be deficient, the same course is to be again pursued until the privilege of challenge conclude, and the Jury be complete in number.—

[Margin:] Appointment of fore-...man to the Jury.—

XV. The Jurors shall be allowed to select their own foreman.— The person so selected, shall be the Organ for delivering the verdict of the Jury.—

[Margin:] The verdict whether ge-...neral or special, to be in ...writing and signed by ...the Foreman.— Special ...verdict what to con-...tain.—

XVI. The verdict of the Jury shall be in writing, and signed by the Foreman, and shall be either general or special.— They shall either declare the accused to be generally guilty of the Crime charged in the indictment, or declare him guilty under such and such modifications of the charge.—

[Margin:] The Court when it ap-...proves of the verdict, to be guided by the rules now in force for the commu-...tation of the punishment fixed by the Mahomedan Law, or by the existing pro-...visions of the Regulations ...enacting a specific punish-...ment in modification of that Law.—

XVII. First— The sentence of the Court, when it approves of the verdict, shall be guided by the rules now in force for the commutation of the punishments fixed by the Mahomedan law.— Thus, a person found guilty of stealing property, shall be sentenced under the

provisions

provisions of Sections II and III of Regulation VI of 1802, and persons found guilty of Robbery by open violence, or of perjury, or of any crime for which the Regulations prescribe a punishment, either in commutation of a sentence of guilt under the Mahomedan Law, or otherwise, shall be sentenced by the Judge presiding at the Quarter Sessions according to the existing provisions of the Regulations, and no other.—

As to cases for which the Regulations have not specifically fixed the punishment in commutation for the punishment by amputation, Ookoobut, &c the sentences to be guided by the principles of Mahomedan law, ascertainable by reference to the law Officer, who is to be called upon to declare the punishment for the crime proved.—

Second — In cases for which the regulations have not specifically fixed the punishment in commutation for the punishment by amputation, ookoobut, tazeer, or fines, the Judges, presiding at the Quarter Sessions, shall still regulate their proceedings according to the principles of the Mahomedan law, and shall call on the Mahomedan law Officer attached to the Provincial Court of Circuit to declare what would be the punishment, under the Mahomedan law, for the crime proved, specially setting forth only such notice of the evidence as may be required on extraordinary occasions; and the guilt found by the Jury according to its measure of the criminality of the act, & the Judge shall, after this, form his sentence according to the provisions of the law now existing according as he approve, or disapprove, of the Futwah.—

But in cases for which the Mahomedan Law, or the Regulations have not prescribed punishment, the point to be referred to the Court of Foujdary Udalut.—

Third — In cases for which the Mahomedan law, or the regulations, may not have prescribed any punishment, the Judge shall refer the point for the decision of the Foujdary Udalut under the provisions of the Regulations now existing.—

In cases where the verdict is not sufficiently specific, the Jury to be remanded to bring in a more special verdict.—

Fourth — Where the verdict of the Jury may be so formed that it may become necessary, in order to

settle

settle the degree of punishment under the regulations, to obtain a more special verdict, defining the degree of injury inflicted in robberies where the attack has been, in the first instance, made by open violence, or, in other instances, where, though the entrance of a house has, with exception of the breaking, been accomplished without violence, or in a secret manner, the Jury shall be remanded and be instructed by the presiding Judge to bring in a verdict that is more special with respect to the peculiar circumstances of the case so required to be defined, and the same rule shall operate generally as to all the aggravations, such as former convictions, notorious character, and so forth, the proof of which, under the existing regulations, is necessary for subjecting the accused to particular penalties of the law.–

The same rule applicable to all aggravations, the proof of which is necessary in order to warrant the infliction of particular penalties.–

Fifth – The verdicts shall, on trials for larceny unaccompanied by violence, specify whether property exceeding the Nisab of the Mahomedan Law has been stolen, that Nisab being calculated at the rate of ten Dirms, equal to about three Madras Rupees, and a half, and farther, whether the value of the goods stolen amount to the sums prescribed in Regulation V of 1822, and Regulation I of 1825.–

The verdicts to state the amount or value of the property stolen in cases of larceny unaccompanied by [illegible]

XVIII. In cases which have been tried by a Jury, and they shall pronounce a verdict of guilty of breaking accompanied with theft, and shall nevertheless acquit the prisoner of the aggravations, which, according to the existing laws, make the accused amenable to a Court of Circuit, and subject to the penalties denounced, on a lower standard or Nisab, by the Mahomedan

On a verdict of guilty of breaking, and unaccompanied by the aggravating circumstances which made the accused amenable to the Court of Circuit, the Judge of Circuit approving of the verdict, shall sentence the accused under the discretionary powers held by the Criminal Judge in such cases.–

medan law, it shall not be necessary to abate such trial, and to refer the accused back for trial before a Court constituted of a single Judge, in the person either of the Criminal Judge, or of his assistant; but the Judge presiding at the Quarter Sessions shall be deemed competent, equally as either of the afresaid Judges, to declare the sentence of the law, and if he do not disapprove of the verdict, shall forthwith pronounce punishment with the same discretionary powers, as either the aforesaid Judges could have done, had either determined the trial in the first instance, instead of committing the prisoner for trial before the superior Court.—

The evidence in trials by Jury to be recorded in every case which is referable to the Court of Foujdary Udalut under the Regulations; and the prescribed reference [illegible] be made.—

XIX.— Although it be an object to expedite the proceedings of Criminal trials by decreasing the record, the trials of Cases shall, during the experiment thus made of the effect of Juries, be conducted generally under the forms now in use, and in every case which is Referable under the Regulations to the Court of Foujdary Udalut, the evidence shall be recorded, and when the accused be convicted of crimes for which reference for the final decision of the Foujdary Udalut be already prescribed, reference shall be made like as under the existing Regulations.—

The questions to the Mahomedan Law Officer to be written in the Persian language; but no translate of the proceedings into that language required.—

XX. First— The special questions put to Mahomedan law Officers will be written as usual in the Persian language; but, as under trial by Jury, a number of Persons belonging to the Country will sit in Court and make the enquiry, the necessity of the proceedings being translated into the language of Persia for the information of the Law Officer, or such an assessor, forming a constant part of the Court throughout its sittings, will

cease,

cease, and the proceedings are; except so far as respects translates in English, to be only kept in the languages of the Country in which they are originally held.—

For the information of all parties on the trial, the Judge of Circuit, at his discretion, to cause such translation of the evidence to be made, as may be necessary.—

Second — Where part of those concerned in the enquiry, such as the Jurors, the Prosecutors, the accused, and witnesses, may use two or more of the languages common to the Country, such as Telegoo, Tamul, Canara, or Hindoostanee, the Judge will, at his discretion, take measures for the depositions, or declarations, made in the languages with which those concerned are unacquainted, being written, or translated, into the one found to be most generally familiar to the parties.—

The Jury to be allowed to refer to the record of the proceedings made for the consideration of the highest Court.

Third — Since the record of all proceedings, in order that the highest Court may have means of forming a Judgment of the manner in which trial by Jury operates, will lengthen the duration of the proceedings, the Jury, on retiring, is to be allowed to have reference to the record of proceedings.—

...at the recording ... the depositions ... the witnesses, ... cases in which ... Judge of Circuit ... authorized to sen... ...ce without refer... ...ce to the Court of ...ujdary Udalut, dis... ...tionary with the ...udge of Sessions, but ...where he may dis... ...pense with such form ...he is to record his ...notes of the evidence.—

Fourth — It being however desirable and expedient that during the experiment thus made of the said method of trial, the convenience and advantages of dispensing with the present established form of taking written depositions in every case from the witnesses examined on the trial, should also be tested, in order that, if from experience the said practice should be found advisable, it may be generally introduced, as being better calculated in investigating the truth of facts for obtaining a clear discovery of the truth from the witnesses, than the present method of examination; it shall be discretionary with the Judges presiding at the said trial by Jury to take, or not, as they may deem

most

most expedient, written depositions from the witnesses in cases in which on the conviction of a prisoner, they, the Judges, under the existing regulations, are authorized to pass, and cause to be carried into execution, sentences without reference to the Court of Foujdary Adalut— This discretion is, however, not to be used by the Judges without due deliberation and caution; and in all cases where they may exercise it, they are required to put upon record their own abstract notes of the evidence heard in the case.—

The religious persuasion, sex, Office, and merit of persons to public reward, to be no bar to their competence as witnesses.—

XXI. First— The religious persuasion of witnesses shall be no bar to their competence, neither shall Official situation, nor shall the rewards wherewith the Government propose to reward meritorious services, be held to be a matter of interest to incapacitate them as Witnesses— But the competence of such witness shall be allowed, & the Jury will in their verdicts decide as to the credit due to the information which such witness, or witnesses, of the female sex, or of persons of minor age, (but of intelligence sufficient to know the nature of an oath,) may give.—

All evidence to be on oath.—

Second— No persons however shall, as heretofore be examined as a witness, unless after being sworn, or signing a solemn obligation.—

Jury at the conclusion of trial may retire to form the verdict.—

XXII. When a trial may be continued from day to day, the Jury will be permitted to adjourn like other members of the Court, but at the conclusion of a trial, if unable to concur in their verdict, shall retire to some particular and commodious room furnished for the occasion, and shall hold no communication with other persons, until their verdict be formed.—

First—

-dges empowered to
-mment on the evi=
-nce.—

XXIII. *First*— The Judges who preside, shall, if circumstances appear to justify the measure, make any requisite comment on the nature of the evidence, and of the points of law relating to the case, before it be left to the determination of the Jury.— After such counsel from the bench, the Jury shall proceed to declare what it impartially adjudges to be the truth.—

-f verdict be approved,
-entence to be passed,
-ither by the specific
-ules of the printed, or
-nterpretation of Ma=
-omedan, Law.—

Second— If the verdict be approved, and the legal punishment to be declared by the Court, either under guidance of the specific rules of the printed Code, or of the interpretation, by its Officer, of the Mahomedan law, appear too severe; mitigation thereof shall be obtained by application, under the existing regulations, to the Foujdary Udalut and that Court shall be empowered to mitigate, or remit, the penalty, in the same manner as that Court exercises the same power in other trials by the existing regulations.—

-uperintending power
-f Foujdary Udalut con=
-inued, but no punish=
-ent, greater than is
-equired by the verdict,
-nflicted.—

Third— The Foujdary Udalut shall also continue to hold the same powers, as to all cases referred, or otherwise.— Provided that no person acquitted by a Jury shall be sentenced to any punishment, or person convicted, to a punishment more severe than is enacted for the measure of conviction found by the Jury.— If the verdict of the Jury be disapproved of on sufficient cause, such as partiality, or deciding contrary to evidence; the Foujdaree Udalut is empowered to order a new trial to be held before another Jury, alike chosen, and three fourths shall, in such case, be the Majority to decide; and such verdict shall be final.—

-ower of the Court to
-der a new trial, if
-rdict be disapproved.—

-n an approved verdict
-f acquittal, prisoner to
-rthwith obtain his
-berty.—

XXIV. *First*— If the presiding Judge approve of a verdict of acquittal, the prisoner shall be forthwith

liberated

liberated from the bar.—

Means of ordering a new trial, if verdict be not approved by the presiding Judge.—

Second — If the Judge of Circuit do not concur in the verdict of the Jury respecting a prisoner, he shall be at liberty to suspend passing judgment on the case, and either admit the prisoner to Bail, or otherwise, as shall seem most appropriate to the occasion, and shall report the case for the information of the Court of Foujdary Udalut, who shall have authority to order a new trial by another Jury of twelve men, whose verdict shall be final.—

Note.— After some experiment,— this ought to run "Jury convicting," and all acquittals be final.—

Course to be pursued if Jurors die.—

XXV. If, during the course of a trial, one, or more of the Jurors should die, or be incapacitated by sickness, from fulfilling the duty, the proceedings shall be held to be void.— A fresh Jury shall be called, and new trial made before a full pannel, so that the parties may be secured in the entire advantage of having a complete number of Jurors to determine the issue.—

Jurors with-drawing to be liable to fine.—

XXVI. First.— If a Juror summoned to attend the Sessions shall with-draw, without permission of the Court before the Jury be discharged, he shall be liable to fine in similar manner as is before enacted for a Juror being summoned & not attending.—

Fines how leviable.—

Second — Fines which may in either case be ordered by the Court, shall be levied by distress and sale of the property of the defaulter.—

Corruption liable to fine and imprisonment.—

XXVII. Jurors shall in no case, either previously or subsequently to the verdict, receive any profit or advantage because of the verdict which they may give.— Any Juror who shall be guilty of embracery, or of receiving, or covenanting for any reward because of the verdict he may give, or any person so attempting to corrupt or influence a Juror, shall be

liable

liable to be brought before the Court for the Offence, either at the prosecution of the private individual to whom a wrong was attempted, or of the Government whose Justice the offenders attempted to pervert, and shall be liable on conviction, to perpetual infamy, imprisonment for a year, and forfeiture of ten-fold value.—

Indemnity of Jurors.—

XXVIII. Jurors shall be protected in the independant and fearless exercise of their functions.— Any man who shall maliciously assault, or threaten, or scandalize a Juror, because of his being concerned in any verdict which is not satisfactory to the said offender, shall be subject to the penalties of fine and imprisonment, at the discretion of the Court of Circuit.—

pecial Juries provid- for trial of persons of uperior rank.—

XXIX. For the trial of Cases of extraordinary importance, or of persons of superior rank, such as the Zemindars and Jagheredars, exempted because of the greatness of their possessions, and nobility of their families, the Courts shall be authorized to call Special Juries.— From serving on such Special Juries, rank, as Zemindars or Jagheredars, shall operate no cause of exemption, but such superior members of the community shall be liable to be returned on the Juries by which persons of the same classes are to be tried.— In such cases the Jurors shall be selected from the best qualified of the persons who are liable to be returned on common Juries.— The Provincial Court, if such an instance should occur pending this experiment, will, on communications from the Criminal Judge, fix a standard of qualification for

special

special Jurors, and the Jury shall be returned from all those qualified, under the forms before established.—

Substance of Verdicts to be entered in Calendars.—

XXX. The forms hitherto followed by the Judges on Circuit in preparing the Calendars will still continue; the Judges entering, instead of the substance of the Futwah, the substance of the verdict, or verdicts, and also of any opinion, which may be received from the Mahomedan Law Officer, respecting the guilt of the accused.—

(A true Copy)

Signed) J. Dacre.—

(A true copy)

[illegible signature]

Secretary to Govt.

11

Questions.-

Re. 57

1st What would in your opinion be the general effects of appointing jurymen from among the Natives, for the purpose of assisting in the trial of Criminal cases?

2d Would the evil effects, if any, which you apprehend might result from them, be likely in the course of time to diminish, or the reverse?

3d Would the measure be agreeable to the Natives?

4th Would it not have the effect of increasing the confidence of the Natives in our administration of criminal justice by gradually rendering them better acquainted with the principles on which it is conducted?

5th Would it not tend gradually to interest them more in the police administration of the Country, and the punishment of offenders?

6th The sentences of our criminal Courts are understood in too many instances to be regarded with great indifference by the community, and considered to affect but little the character of the offender; would not the verdicts of Juries have a tendency to remove this evil, and to make the Natives view the convicted

convicted Criminal as a person most seriously and justly degraded?

7th What would be the best mode, in your opinion, of constituting a Native jury with the view particularly of guarding against prejudices arising from caste, either against the prisoner or in his favor?

8th What degree of power would you recommend to be entrusted to juries in the commencement of the plan, if it should be adopted?

9th Would it be possible, and, if so would it be desirable, in your opinion, that jurymen should be appointed from all castes of Hindoos, and sit indiscriminately?

10th If not, what castes would, in your opinion, be eligible for this service?

11th Would it in any case be practicable to place Mahomedans and Hindoos on the same jury, and would it be desirable to do so?

12th If, upon the whole, the appointment of jurymen should appear to you to likely to be attended with advantage, would the following mode of employing them accord with your sentiments; or would you recommend any material alteration? The Judge, after the

Evidenc

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evidence on both sides had been heard, to sum up the case, and remark upon the evidence adduced; the jury to deliver their verdict with an explanation of the grounds of it, stating particularly their reasons for believing, or disbelieving evidence, where that belief or disbelief has occasioned their verdict. — The Judge on receiving the verdict, if his own sentiments coincided with it, to pronounce sentence accordingly; if they differed from it, to refer the case, with his opinion, to the Sudder Adawlut. —

13th. Does any thing occur to you relative to the mode of constituting juries, the powers which should be entrusted to them, the tendency of the measure, and generally its practicability and advisability, or the reverse, which is not particularly borne or comprehended in the foregoing questions? If so, state your sentiments at large. —

[illegible signature]
Secy. to Government. —

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Judicial Department

Circular

No. 507

To

The Magistrate of

Madura

&

Sir,

I am directed by the Right Honorable the Governor in Council to transmit, for your information and guidance, the accompanying four Copies of an Extract from the Minutes of Consultation of this date.

I am,
Sir,
Your most obedient Servant,

Fort St. George,
12th September 1828.

[illegible signature]
Secy. to Govt.

From the Secretary
to Government Dated
12th September 1828 –

65

Judicial Department

No. 503.

Extract from the Minutes of Consultation dated 12th September 1828.

Doubts having arisen in respect to the authority which Civil Magistrates, and other Civil Officers acting in a similar capacity, are entitled, under the rules laid down in the proceedings in this Department dated the 25th March 1825, to exercise in cases of emergency, the Right Honorable the Governor in Council deems it necessary to declare that, whenever Military aid is absolutely and immediately necessary for the maintenance or restoration of the public peace, such Magistrates and other Officers are at liberty to call upon any Officer commanding a Military Force, adequate to the purpose, for the necessary aid; and that it is the duty of the Military Officer to comply with such requisition, the responsibility of judging, with regard to the necessity for making it resting with the Civil Officer. Upon such occasions,

occasions, a report of the circumstances of the case, and of the measures adopted, must immediately be made by the Magistrate, or other Civil Officer, to the Government; and the Officer commanding must report his proceedings to the Commander in Chief.—

Ordered that the foregoing resolution be published in G. O. to the Army, and be communicated, for their information and guidance, to such Civil Officers as it may concern.—

(A true Extract)

L. McMacleod
Secy. to Govt.

Repetition

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Judicial Department

No. 503.

Extract from the Minutes of Consultation dated 12th September 1828.

Doubts having arisen in respect to the authority which Civil Magistrates, and other Civil Officers acting in a similar capacity, are entitled, under the rules laid down in the proceedings in this Department dated the 25th March 1825, to exercise in cases of emergency, the Right Honorable the Governor in Council deems it necessary to declare that, whenever Military aid is absolutely and immediately necessary for the maintenance or restoration of the public peace, such Magistrates and other Officers are at liberty to call upon any Officer commanding a Military Force, adequate to the purpose, for the necessary aid; and that it is the duty of the Military Officer to comply with such requisition; the responsibility of judging, with regard to the necessity for making it resting with the Civil Officer. – Upon such occasions,

occasion, a report of the circumstances of the case, and of the measures adopted, must immediately be made by the Magistrate or other Civil Officer, to the Government, and the Officer commanding must report his proceedings to the Commander in Chief. –

Ordered that the foregoing resolution be published in G. O. to the Army, and be communicated, for their information and guidance, to such Civil Officers as it may concern. –

(A true Extract)

J. M. Macleod

Sec. to Govt.

159.

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Q.

Fort St George,

21st October 1828.

The Right Honorable the Governor in Council, is pleased to publish, for general information, the following Rules and Regulations established by the Supreme Government:-

Fort William,

General Department, the 31st January 1828.

The Right Honorable the Governor General in Council, is pleased to direct, that the following Rules and Regulations, relative to Lascars and other Asiatic Seamen, be published for General information.-

Rules and Regulations

Made, Ordained, and Published by the Right Honorable the Governor General of Fort William in Bengal, in Council, in pursuance of an Act of Parliament of the 4th George the 4th, C. 80, passed on the 31st day of January, in the year of Our Lord 1828, to be observed by Masters, Officers, and owners of Ships and Vessels Trading under the authority of the said Act, the Crews of which Ships and Vessels shall be wholly or in part composed of Asiatic Sailors, Lascars, or Natives of any Territories Countries, Islands, or Places within the limits of the Charter of the United Company of Merchants of England Trading to the East Indies.-

Be it Ordained by the Right Honorable William Pitt Earl Amherst, Governor General of Fort William in Bengal, in Council, by virtue of the Powers in him vested by the said Act, that from and after the Publication hereof, in the manner hereinafter directed, the following Rules and Regulations shall be observed by Masters, Officers, and Owners of Ships and Vessels Trading under the authority of the said Act, the Crews of which Ships and Vessels shall be wholly or in part composed of Asiatic Sailors, Lascars,

To the Principal Collector of Madura -

or Natives of any of the Territories, Countries, Islands, or Places within the limits of the Charter of the said United Company, whilst such Asiatic Sailors, Lascars, or Natives shall be on board such Ships or Vessels, and whilst absent from the Countries or Places to which they shall respectively belong, and until they shall be carried back to the Places to which they belong, or from whence they have been taken.–

4. Every such Ship or Vessel, which shall clear out from any Port or Place in any Territory, Country, or Island, under the Government of the said United Company, or belonging to His Majesty within the limits aforesaid, upon any Voyage to the United Kingdom of Great Britain or Ireland, or to any Port or Place beyond the limits of the Charter of the said United Company, and every such Ship or Vessel which shall arrive at any Port or Place in the said United Kingdom, and every such Ship or Vessel which having Cleared out from any Port or Place, in any Territory, Country, or Island as aforesaid, shall arrive at any Port or Place without the limits of the Charter of the said United Company, shall be provided with an expert Surgeon, of ability and knowledge; and in each case, before any such Ship or Vessels shall clear out from any Port or Place under the Government of the said United Company, or belonging to His Majesty, within the limits aforesaid, such Surgeon shall be previously examined by the Medical Board, or by such Medical Person or Persons, as shall be appointed for that purpose by the Government, or Principal Officer of the Port or Place from whence such Ship or Vessel shall Clear out, and no Surgeon shall be deemed a fit Surgeon, unless he shall be testified by such Medical Board, or by such other Medical Person or Persons, to be duly qualified, and such Surgeon shall be retained and entertained on board such Ship or Vessel, during the whole voyage, (unavoidable casualties excepted) by, and at the expence of the Owner or Owners of such Ship or Vessel, and shall administer such Medical and Surgical aid as shall be requisite to the Asiatic Sailors, Lascars and Natives on board of such Ship or Vessel during the Voyage on which such Ship or Vessel shall proceed or be bound; and every such Ship or Vessel shall also be furnished, at the like expence, with a proper quantity and assortment of Medicines fit for the said Asiatic Sailors, Lascars, and Natives; and it shall and may be lawful for the Government or Principal Officer of the Port or Place where such Ship or Vessel

may be, under the Government of the said United Company, or belonging to His Majesty, within the limits aforesaid, and before such Ship or Vessel shall Clear out, to appoint any Medical Person or Persons to examine the quantity, quality, and assortment of such Medicines; and such Ship or Vessel shall not be permitted to Clear out from such Port or Place as aforesaid, until the Government, or Principal Officer thereof, shall be duly satisfied, that a sufficient quantity and proper assortment of such Medicines shall have been furnished. Provided always, that if such Owner or Owners, Master or other Commanding Officer of any such Ship or Vessel which may be intended to be Cleared out from any Port or Place under the Government of the said United Company, or belonging to His Majesty, within the limits aforesaid, after using due diligence and reasonable and proper means in that behalf, shall not be able to procure or retain an expert Surgeon, duly qualified as aforesaid, and such Owner or Owners, Master or other Commanding Officer shall represent the same in writing to the Government, or Principal Officer of the Port or Place where such Ship or Vessel may be, together with a true Statement of the means that have been adopted or employed to procure a fit Surgeon as aforesaid, then it shall and may be lawful for the Government or Principal Officer of the Port or Place where such Ship or Vessel may be, on being duly satisfied that a fit Surgeon cannot be procured, to authorize and permit such Ship or Vessel, by a Licence in writing, to be in that behalf granted by the Secretary for the time being of such Government, or by the Principal Officer of such other Port or Place as aforesaid, to Clear out and proceed on the Voyage then intended, without having such Surgeon on board, any thing herein contained to the contrary thereof notwithstanding.—

2. That every such Ship or Vessel which shall be Navigated by the Proportion of British Seamen, directed by the Twenty-first Section of the said Act of Parliament, that is to say, by Four British Seamen as part of the Crew for every Hundred Tons of the Registered Burthen of such Ship or Vessel, and so in proportion for any part of a Hundred Tons, shall be manned with not less than Six of such Asiatic Sailors, Lascars, or Natives, being Men, or Five Men and two Boys for every Hundred Tons of the Registered Burthen of such Ship or Vessel, and one Man more for every ten Tons beyond the last even Hundred Tons thereof, in addition to the said Proportion of British Seamen, and every such Ship or Vessel, the Crew whereof shall be in part composed of such Asiatic Sailors, Lascars, or Natives,

and which shall not be Navigated by the Proportion of British Seamen abovementioned, but which shall, by virtue of the Twenty-second Section of the said Act of Parliament be licensed to Sail and carry on her Voyage with a less Proportion of British Seamen than required by the said Twenty-first Section of the said Act of Parliament shall be manned with such a proportion of such Asiatic Sailors, Lascars, or Natives, to the Registered Burthen of such Ship or Vessel, as is hereinafter specified, (that is to say) when the Number of such British Seamen shall be three for every Hundred Tons of the Registered Burthen of such Ship or Vessel, and so in proportion for any part of a Hundred Tons, the Number of such Asiatic Sailors, Lascars, or Natives, shall be seven Men and one Boy for every such Hundred Tons, and one Man more for every ten beyond the last even Hundred Tons, in addition to the said proportion of British Seamen when the Number of such British Seamen shall be two for every Hundred Tons, of the Registered Burthen of such Ship or Vessel, and so in proportion for any part of a Hundred Tons, the Number of such Asiatic Sailors, Lascars, or Natives, shall be nine, being Men, or eight Men and two Boys for every such Hundred Tons, and one Man more for every ten Tons beyond the last even Hundred Tons thereof, in addition to the said proportion of British Seamen, when the Number of such British Seamen shall be one for every Hundred Tons of the Registered Burthen of such Ship or Vessel, the Number of such Asiatic Sailors, Lascars, or Natives, shall be ten Men and one Boy for every such Hundred Tons, in addition to the said proportion of British Seamen, and when such Ship or Vessel shall be navigated by any British Seamen exclusive of the Mates, or Officers, and the Number of such British Seamen shall be less than one for every Hundred Tons of the Registered Burthen of such Ship or Vessel, the Number of such Asiatic Sailors, Lascars, or Natives, shall be eleven, being Men, or ten Men and two Boys for every such Hundred Tons, and one Man more for every ten Tons beyond the last even Hundred Tons, in addition to the said proportion of British Seamen, and every such Ship or Vessel, the Crew whereof shall be wholly composed of such Asiatic Sailors, Lascars, or Natives, or which shall, with the exception of the Mates or Officers, be wholly composed of such Asiatic Sailors, Lascars, or Natives, shall be provided with a Gunner, a Carpenter, a Caulker, and the usual Number of Seacunnies, and

shall exclusively of such Officers, Gunner, Carpenter, Cuttar, Seacunnies and Servants, in such Ship or Vessel, be manned with not less than twelve of such Asiatic Sailors, Lascars, or Natives, being Men, or eleven Men and two Boys for every hundred Tons of the Registered Burthen of such Ship or Vessel, and one Man more for every ten Tons beyond the last even Hundred Tons thereof.—

3. Every such Ship or Vessel shall be furnished and provided by, and at the expence of the Owners or Owner of such Ship or Vessel, with a sufficient quantity of wholesome and good Provisions, and with a sufficient quantity of Fuel properly adapted for the use of the Asiatic Sailors, Lascars and Natives who may embark, or who, during the Voyage, may be on board, such Ship or Vessel, and such Provisions shall be regularly served out to such Asiatic Sailors, Lascars and Natives, during the course of such Voyage, in manner following, that is to say, whenever such Ship or Vessel, during the course of such Voyage, shall be within the Tropics agreeably to the undermentioned Scale, viz.

	Per Man per Day.				Per Man per Day.			Per Man per Month		
	lb.	oz.	dr.	or	Seers	Chits.	Ch. Wt.	Seers	Chits.	Ch. Wt.
Rice	2	0	14	-	1	0	0	30	0	0
Dhall	0	5	7	-	0	2	2½	4	11	0
Ghee	0	1	5	-	0	0	2½	0	15	0
Salt	0	0	13	-	0	0	1⅓	0	9	0
Turmeric	0	2	1	-	0	1	0	1	14	0
Garlick	0	2	1	-	0	1	0	1	14	0
Chillies	0	1	15	-	0	0	3¾	1	6	2½
Tamarinds	0	0	13	-	0	0	1⅓	0	9	2
Cummin Seed	0	0	8	-	0	0	1	0	6	0
Coriander Seed	0	0	8	-	0	0	1	0	6	0
Pumpkins, Yams, and Potatoes, {As far as a seasonable stock of them can be laid in at the commencement of the Voyage}	0	4	2	-	0	2	0	3	12	0
Ginger	0	0	4	-	0	0	½	0	3	0
Tea	0	0	11	-	0	0	1⅓	0	8	0
Sugar	0	1	6	-	0	0	2⅔	1	0	0
Vinegar {Six Pints per Month, per Man}										
Oil for the body, in bad weather	0	0	11	-	0	0	1⅓	Per Man, per Day		

And whenever such Ship or Vessel, during the course of such Voyage, shall pass beyond the Tropics, either to the Northward or Southward, then, in addition to the foregoing Scale or allowance, shall be added Food of a more nourishing quality; viz.

	Per Man per Month				Per Man per Month	
	lbs.	oz.	dr.		Seers	Chittacks.
Pilow Meat	8	3	7	or	4	0
Curry Meat	6	2	9	"	3	"
Biscuit,	10	4	4	"	5	"
Wheat,	14	5	15	"	7	"
Pickled Mangoes	2	8	14	"	1	"
Rum, { Exclusive of the discretionary allowance in time of bad weather, }	Two Drams per day per Man.					

And in addition to the above mentioned Stock of Provisions, and other Articles hereinbefore mentioned, the Owners or Owner of every such Ship or Vessel hereinbefore mentioned, shall also lay in a Stock of Tobacco, sufficient for the supply of at least three-fourths of the Asiatic Sailors, Lascars, or Natives on board, for the Voyage, at the rate of one half seer, or one pound weight per man per month, to be served out to such Asiatic Sailors, Lascars, or Natives, when their own Private Stock of that Article shall have been exhausted; which Tobacco shall be estimated at Twenty per Cent, on the prime cost of the Article, such prime cost to be certified by the Inspecting or other Officer appointed for that purpose, and the price of such Tobacco to be deducted at the end of the Voyage, from the Wages of such men to whom the same shall have been supplied: and the entire quantity of Provisions and other Articles, which shall be laid in for the use of the said Asiatic Sailors, Lascars, and Natives as aforesaid, shall be estimated as follows; viz. To Europe, North America, the Eastern Coast of South America, and the Western Coast of America respectively, customary Provision for six months, and food of a more nourishing quality for four months.– To New South Wales, customary Provision for four months. Food of a more nourishing quality for Two Months. And it is hereby directed, that a Stock of Fuel and Water shall be laid in by every such Ship or Vessel as aforesaid, for the supply of the Asiatic Sailors, Lascars, or Natives on board, and that it shall be in proportion to the Stock of other Provisions taken on board as aforesaid; and that the said Stock of Water shall be in proportion to the number of Asiatic Sailors, Lascars, or other Natives on board of such Ship or Vessel as aforesaid, and that in particular the said Stock of Water so taken in for the supply of the Asiatic Sailors, Lascars, and other Natives, shall be of sufficient quantity to allow for every Asiatic Sailor, Lascar, or other Native on board of such Ship or Vessel during the said Voyage, One Gallon at the least for each day: Provided always, that whenever the Seacunnies, or any other part of the Crew of such Ship or Vessel shall be Anglo Asiatics or Native Portuguese, they shall be victualled as European Seamen..

4. Every such Ship or Vessel shall be furnished and provided by, and at the expence of the Owners or Owner of such Ship or Vessel, and for the use of such Asiatic Sailors, Lascars, and Natives who may embark or be on board such Ship or Vessel, during the intended Voyage, the following Bedding and Clothing; viz. One Bed, to consist of Three Country Blankets sewed together. One Pillow, stuffed together with Blanketing. One Blanket; one Jacket and Pair of Trowsers with feet, made of Four Yards of European Red or Blue Cloth. One Jacket and one Pair of Trowsers with feet made either of European Cloth or Country Blanketing. One Pair of Shoes. Two Woollen Caps. Two Pair of Woollen Mittens for each man; and that such Bedding and Clothing shall be delivered out to such Asiatic Sailors, Lascars, and Natives as aforesaid, who may not be previously supplied therewith, whenever such Ship or Vessel shall be in any Latitude to the Northward of Twenty-four Degrees North Latitude, or to the Southward of Twenty-four Degrees South Latitude, and that such Bedding and Clothing shall thereupon become the property of the person or persons to whom the same shall be delivered. - Provided always, that no Asiatic Sailor, Lascar, or Native shall be entitled to receive more than one set of Bedding and of Clothing in the course of one Voyage; and that the Owners or Owner of such Ship or Vessel, supplying such Bedding or Clothing, shall be at liberty to deduct from the Wages of each Asiatic Sailor, Lascar, and Native as aforesaid, who shall be supplied with such Bedding or Clothing, in addition to the prime cost, Twenty per Cent on the Articles respectively supplied to any such Asiatic Sailor, Lascar or Native as aforesaid, and which said prime cost shall be certified by the Inspecting or other Officer thereto appointed. -

5. Every such Ship or Vessel shall be provided with healthy and roomy Births or Lodging Places, properly ventilated in the fore part of the between Decks of such Ship or Vessel, which shall be left clear for the accommodation of the Asiatic Sailors, Lascars, and Natives as aforesaid, who may embark or proceed on board of such Ship or Vessel, to each man of whom, in Ships or Vessels having no Top Gallant Fore Castle, shall be allowed a space of Thirty-five Cubic Feet for his accommodation before the Main Mast; but in Cases of Ships or Vessels having a Top Gallant Fore Castle, Twenty four Cubic Feet shall be deemed sufficient for each of such persons, and that all such Asiatic Sailors, Lascars, and Natives as aforesaid, who shall not be required to perform the duties of the said Ship or Vessel, or who shall not belong to the Watch Gang that may be actually employed in performing the duty or work of the said Ship or Vessel, shall be suffered and permitted to remain in their births or lodging places herein before mentioned, in the same manner as is usually permitted to European Sailors, and until it shall be the turn

of duty of such Asiatic Sailors, Lascars, or Natives, who may remain below to relieve the Watch or Gang employed on the Upper Deck; and in order to enable the Asiatic Sailors, Lascars, or Natives, as aforesaid, to obtain the benefit of this Rule or Regulation, the Master or Commander of every such Ship or Vessel shall divide the Asiatic Sailors, Lascars or Natives into two Watches, or Gangs, accordingly as the duty of the said Ship, or Vessel may require; and in such manner that a portion of such Asiatic Sailors, Lascars, or Natives forming one Watch, or Gang, may remain on the Upper Deck, to perform the duty of the said Ship, while the residue of such Asiatic Sailors, Lascars, and Natives, may remain in their Births, or Lodging Places as aforesaid, in the manner as is usually practised and observed towards European Sailors; and every such Ship or Vessel as aforesaid, of the Burthen of Five Hundred Tons and under, shall be provided by, and at the expence of the Owners or Owner thereof with one Caboose for the purpose of enabling the said Asiatic Sailors, Lascars, and Native to Cook their Victuals on board such Ship, or Vessel, according to the manners, habits, and customs of such Asiatic Sailors, Lascars, or Natives respectively, and to be appropriated exclusively to and for their use; and which said Caboose shall not be less in length than Four Feet Ten Inches, or in breadth than Three Feet Two Inches, and in height Five Feet, and every such Ship or Vessel as aforesaid, exceeding Five Hundred Tons, shall in like manner be furnished with two such Cabooses for the purposes herein aforesaid.—

6. No such Ship or Vessel shall Clear out from any Port or Place under the Government of the said United Company, or belonging to His Majesty within the limits aforesaid, before the Commander thereof shall have delivered to the Officer authorised to grant the Port Clearance, a true List in Duplicate of every Asiatic Sailor, Lascar, or Native on board, or intended to be taken on board such Ship or Vessel, and a true Specification of the terms and rate of Wages on which such Asiatic Sailor, Lascar, or Native shall have been hired, and also a true list in duplicate, of the Tobacco, and quantities and sorts of Provisions, and the Prices thereof respectively, and of the quantities of Water and Fuel, respectively, which shall have been provided for the use of such Asiatic Sailors Lascars, and Natives, and also a true and correct list in duplicate, of the Bedding and Clothing, and the Prices thereof respectively, provided for the use of such Asiatic Sailors, Lascars, and Natives, and also a true List in duplicate, of the quantities, qualities and assortment of Medicines provided, and

on board of such last mentioned Ship or Vessel, each part or list as aforesaid being signed by the Commander of the Ship or Vessel, so delivering the same to the Officer authorized to grant a Port Clearance as aforesaid; and in order that it may be ascertained that such Tobacco, Provisions, Fuel, Bedding and Clothing are respectively sufficient in quantity, and fit and proper in quality for the use of the said Asiatic Sailors, Lascars, and Natives, during the intended Voyage, the Owners or Owner, or Commander of every such Ship or Vessel, shall deliver Samples or Musters of all such Tobacco, Provisions, Fuel, Bedding and Clothing, with the Prices thereof respectively to the Inspecting Officer, or other Person or Persons who shall or may be appointed by the Government, or other Principal Officer of the Port or Place, at which such Ship or Vessel may be, to inspect the same respectively, and such Owners or Owner, or Commander, shall, from time to time, produce such Tobacco, Provisions, Fuel, Bedding and Clothing to such Inspecting Officer, or other Person or Persons so appointed, as well on board of the said Ship or Vessel, as before the same shall have been put on board, for such Inspecting Officer, or other Person or Persons so appointed to inspect and examine the same, respect being had to the convenience of the Commander, and the time of lading the said Ship or Vessel, and the Owners or Owner, or Commander of such Ship or Vessel as aforesaid, shall permit and suffer such Inspecting Officer, or other Person or Persons, who shall be appointed in that behalf by the Government, or Principal Officer of the Port or Place in which such Ship or Vessel may be, to inspect and examine the said Ship or Vessel, as well below as upon the Upper Deck, in order to ascertain what accommodations, or births, or lodging places, may have been provided for the use of such Asiatic Sailors, Lascars, and Natives as aforesaid, and whether sufficient space shall have been left to afford healthy and roomy births or lodging places for such Asiatic Sailors, Lascars, and Natives respectively, in manner herein aforesaid; and also, in order to ascertain whether proper and sufficient accommodations for Cooking have been provided, so that such Asiatic Sailors, Lascars, and Natives, may be enabled to Cook their Victuals on board such Ship or Vessel, according to their own manners, habits, and customs. And that when such Ship or Vessel shall so clear out, the Officer authorized to grant such Port Clearance, shall countersign the respective Lists herein before directed to be delivered to him in duplicate, and return one part of each set of Lists to the person in Command of such Ship or Vessel, and that on the arrival of such Ship or Vessel at the Port or Place within the said United Kingdom

to which such Ship or Vessel may be bound, or at any other Port or Place belonging to His Majesty, without the limits of the Charter of the said United Company, to which such Ship or Vessel may be bound, the person in Command of such Ship or Vessel shall deliver such Lists, so countersigned, to the Officer authorized to admit such Ship or Vessel to Entry, and shall also deliver to said last mentioned Officer a true List containing the names of every Asiatic Sailor, Lascar, and Native as aforesaid, not included in the first List countersigned as aforesaid, and who shall have been Shipped after the commencement of the Voyage of such Ship or Vessel, or during the progress thereof, with a specification in like manner of the terms and rates of Wages, at which such last mentioned Asiatic Sailors, Lascars, and Natives as aforesaid, may have been hired; and also a true and correct Statement in writing, of any casualties that may have happened to any or either of the said Asiatic Sailors, Lascars, or Natives as aforesaid, who at any time were Shipped on such Ship or Vessel, and of what shall have become of every man comprized in such Lists, and who shall not be on board such Ship or Vessel at the time of her Entry into any such Port, and also a true and correct account, shewing the Bedding and Clothing, and quantity of Tobacco, which may have been furnished and supplied to each Asiatic Sailor, Lascar, and Native as aforesaid, on board of such Ship or Vessel during the Voyage, and what Sum or Balance shall be due and owing to each Asiatic Sailor, Lascar, and Native as aforesaid, for his Wages at the time of the Arrival of such Ship or Vessel at her consigned Port.

7. The Owners or Owner of every such Ship or Vessel, from which any Asiatic Sailor, Lascar, or Native as aforesaid, shall be discharged or landed in any Country, other than that from which such Asiatic Sailor, Lascar, or Native as aforesaid, shall have been Shipped, or to which he shall belong, shall, at the proper Costs and Charges of such Owners or Owner, find and provide proper and sufficient Lodging, Raiment, Food, Medicines, and if necessary Medical and Surgical assistance for each and every Asiatic Sailor, Lascar, or Native as aforesaid, who may be so discharged or landed as aforesaid, from the time of the discharge or landing of each and every such Asiatic Sailor, Lascar, or Native as aforesaid, until he shall be able to enter himself on board of some other Ship or Vessel bound to his own Country, and on which he may work his way to the Port whence he may have been Shipped; provided that the Owners or Owner of the Ship or Vessel bound to the Country of such Asiatic Sailor, Lascar, or Native as aforesaid, shall contract to provide such last mentioned Asiatic Sailor,

Lascar, or Native as aforesaid, with a proper Birth and good and sufficient Food, Bedding, Clothing, Medicines, and Medical and Surgical aid during such Voyage to the Port or Place where such Asiatic Sailor, Lascar or Native as aforesaid, may have been Shipped or hired as aforesaid, and in the same manner and subject to the Rules and Regulations hereinbefore respectively ordained for the accommodation and treatment of Asiatic Sailors, Lascars, and Natives as aforesaid, the whole expence of which contract, if any, to be borne and sustained by the Owner or Owners of the Ship or Vessel on which such Asiatic Sailor, Lascar, or Native shall have been Shipped within the limits aforesaid, and from which such Asiatic Sailor, Lascar, or Native as aforesaid, shall have been discharged or landed as aforesaid; provided also, that if such last mentioned Asiatic Sailor or Native shall not be able either from want of opportunity, from sickness, or from any other cause, within Four Calendar Months from the time of his discharge or landing as aforesaid, to enter himself on board of such Ship or Vessel bound to his own Country, or to the Port or Place where he may have been hired or Shipped, in conformity with the Contract, and on the Terms or Conditions hereinbefore mentioned; in any such case, the Owners or Owner of such Ship or Vessel, from which such last mentioned Asiatic Sailor, Lascar, or Native shall have been discharged or landed as aforesaid, shall find and provide for him a suitable passage to the Country, Port or Place at which he shall have been hired or Shipped, or to which he may belong, with sufficient and proper Food, Clothing, Bedding, Medicines, and Medical and Surgical aid, during such passage, and in the manner hereinbefore ordained for the accommodation and treatment of such Asiatic Sailor, Lascar, or Native as aforesaid, during the Voyage on board the Ship or Vessel from which he shall have been discharged or landed as aforesaid; and the Owners or Owner of every such Ship or Vessel trading under the authority of this Act, who shall contract, or agree to carry or convey any Asiatic Sailor, Lascar, or Native as aforesaid, and who shall have been landed or discharged as aforesaid, from any Port or Place in the United Kingdom, or without the limits aforesaid, to the Port or Place at which such Asiatic Sailor, Lascar or Native as aforesaid shall have been hired or Shipped, or to which he shall belong, and whether such Asiatic Sailor, Lascar or Native as aforesaid, shall have entered himself to work his way back as aforesaid, or shall have been sent on board as a Passenger, shall be subject to the Rules and Regulations herein

before ordained for the accommodation and treatment of such Asiatic Sailors, Lascars and Natives as aforesaid, during the Voyage on the Ship or vessel from which he shall have been discharged or landed, so far as the same may be respectively applicable to the Character or Situation in which such Asiatic Sailor, Lascar, or Native as aforesaid, may have been Shipped or embarked, in order to return to the Port or Place to which he may belong.—

The foregoing Rules and Regulations to take effect, and to be and continue in full force at the Presidency of Fort William aforesaid, from the expiration of One Calendar Month after the Publication thereof in the Government Gazette, at Calcutta; and at Fort St George, Bombay, Prince of Wales's Island, Singapore, and at all other Ports and Places in any Territory, Country, or Island under the Government of the said United Company, or belonging to His Majesty, within the Limits aforesaid, from and after the expiration of One Calendar Month after the Publication of such Rules and Regulations by the respective Governments, or the Principal Officers, or Constituted Authorities at Fort St George, Bombay, Prince of Wales's Island, Singapore, and at such other Ports and Places respectively.—

The several forms to be observed by the Masters, Officers, and Owners of Ships, trading according to the Authority of the Act of Parliament above mentioned, under the Rules and Regulations now published for General information, will be determined by the Marine Board, and duly notified by Public Advertisement from their Office.—

By Order of the Right Honorable the Governor General in Council.

Signed / E. Molony

Acting Secretary to the Government

[signature]

Secretary to Government.

Enclosure not found.

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Revenue Department.

Circular.

No. 761 **Q.**

To

The Principal Collector of

Madura

Sir,

I am directed by the Right Ho[nor]able the Governor in Council to transmit to you [the] accompanying Copy of a Minute by the Honorab[le] the Governor of Bombay; and to desire a commun[i]cation of your Sentiments on the question, how far th[e] plan, therein described, of levying Nuzzerana on suc[]cession to estates or offices, is applicable to the district[s] under this Presidency, and could with advantage be adopted in them.-

I am,

Sir,

Your most obedient Servant.

Fort St. George,

4th November, 1828.-

[illegible]

Secretary to Government.

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Public Department.

Circular No. 983.

To

The Principal Collector

&c. of Madura.

Sir,

Para. 1. I am directed by the Right Honorable the Governor in Council to request that you will on the 1st of the Ensuing year forward to this Department a Statement in the annexed Form No. 1, shewing the various Articles of Stationery remaining in your Office on that date, the quantity indented for and used in the three preceding Years, and the probable quantity which you will require for the Year 1829.-

2. I am also instructed to desire that your future Indents on the Superintendent of Stationery may be yearly prepared in January according to the annexed Form No. 2, and that, in case of an additional supply being required before the expiration of twelve months, the cause may be stated in the Extra Indent.

I have the honor to be,

Sir,

Your most obedient Servant.

[signature]

Secretary to Government.

Fort St. George,

7th November, 1828.

Form of Statement No. 1.

Articles of Stationery.-	Quantity indented for and received, from 1st Janry 1826, to the 30th Decr 1826.	Quantity used in the before-mentioned period.-	Quantity indented for and received from 1st Janry 1827, to the 31st Decr of the same year.	Quantity used in the before-mentioned period.	Quantity indented for and received from the 1st Janry 1828, to the 31st Decr 1828.	Quantity used in the before-mentioned period.-	Quantity on hand on the 1st of Janry 1829.-	Estimate Quantity required for the current Year.

Form No. 2.

Indent for Stationery and Sundries required for the use of the for the Year 1829

Description of Articles.		Quantity on hand at the commencement of last Year.	Supply of last Year.	Used in last Year.	Quantity on hand at the commencement of this Year.	Supply required this Year.	Explanation	Remarks of the Controling Authority.

Revenue Department

89

No. 104.

To

H. Viveash, Esqre.

Principal Collector of

Madura

&c.

Sir,

I am directed by the Right Honorable the Governor in Council to call your attention to a letter from this Department under date the 4th November last, and to request an early communication of your sentiments on the question, how far the plan therein described of levying Nazzerana on succession to estates or offices, is applicable to the districts under this Presidency.

Fort St. George,
6th February, 1829.

I have the honor to be,
Sir,
Your most obedient servant,
John Bo—
Actg. Secy. to Govt.

85

Cotacamund. Aug. 23.
1823

My Dear Sir,

The Governor desires me to say that as both the Zemindar & the inhabitants of Ramnad must be anxious that the former should be formally placed in possession of the Zemindarry, and as the Governor may possibly be prevented visiting the Madura district, it will be better that the ceremony of placing the Zemindar on the Putteem

should be performed without further delay. The Governor therefore requests that you will take the necessary steps, and transmit the accompanying letter to the
of which a copy is enclosed for your information
Zemindar on the occasion —

Believe me

Yours faithfully

J. Lushington

Henry Vansittart

Re. 85 91

Streemoth Yeeranea Gorbayazy Raneecoola
Vizia Ragoonada Ramasawmy
Sathoopathy Zemindar of
Ramnad

I am directed by the Right Honorable the Governor to express to you his gratification at receiving your letter dated the 15th May, and to congratulate you on your happy restoration to the possessions of your ancestors.

The Governor had contemplated having the satisfaction of placing you with his own hand on the Puttum of your Father, and with this view he requested Mr. Viveash to delay the Ceremony until he should arrive at Madura. But as unforeseen circumstances may prevent the Governor from putting his intended visit to your Zemindary into Execution, he thinks it better that the Ceremony should take place without further loss of time, and he

he has directed me to desire Mr. Viveash to make the necessary arrangements. At the same time the Governor does not give up all hope of reaching Ramnad before he returns to Madras.

Whenever you need advice in the management of your affairs you will find Mr. Viveash ready to afford it and you may rely upon the Governor's continued friendship and best wishes for your happiness and prosperity.

Ootacamund
23rd. May 1829

I have the honor to be
Your Obedient Servant.
S. Lushington
Private Secy.

True Copy
S. Lushington
Private Secy.

Political Department.

93

&c.

To The Principal Collector & Magistrate of Madura.

Sir,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your Letters of the 14th of December last and of the 24th Instant and to convey to you authority for paying an allowance of Rupees 70, Seventy per mensem, to the Family of the late Angalasawmy until further orders.

Fort St. George
6th March 1830.

I am,
Sir,
Your most obedient servant,
[illegible]
Acting Chief Secretary

Ex^d [illegible]

Political Department

25

To

The Principal Collector & Magistrat[e]

of

2. Madura.

Sir,

With reference to my letter of [t]he 30th of March last I am directed by the Right Honorable the Governor in Council to transmit to you the annexed copy of one from the Deputy Secretary to the Government at Columbo dated the 5th Instant and to desi[re] that you will report what arrangements for the gradual reduction and final abolition of the Pension granted to the Family of the late Angalasamy you may consider practi-cable with reference to the equitable claims of the Family

I am
Sir,
Your most obedient servant

R. Clive
Acting Chief Secretary

Fort St. George
25th May 1830.

E. Hampton

The

Re.

The Acting Chief Secretary
to Government
Fort St. George

Sir,

I have had the honor to receive and submit to His Excellency The Governor your letter of the 30th Ultimo, forwarding with reference to your letter of the 13th of October last the Copies of two letters from the Principal Collector and Magistrate of Madura, and I am directed to express His Excellency's concurrence in the authority granted by The Right Honorable The Governor in Council, for the payment of an allowance of Seventy Rupees per Mensem to the family of the late Angalasawmy but adverting to His Excellency's disinclination to perpetuate such al-

lowance

allowances, I am instructed to request you will move the Right Honorable The Governor in Council, to desire the Principal Collector and Magistrate of Madura, to report what arrangements for the gradual reduction and final abolition of this Pension he considers practicable, with reference to the equitable claims of this Family.

I have &ca. &ca.

Chief Secretary's Office
Colombo May 5th 1830.

(Signed) P. Anstruther
Deputy Secretary

(A true copy)
W. Clive
Acting Chief Secretary

Geo. Stratton

Political Department

R. 9

To

The Principal Collector and Magistrate
of
Madura

Sir,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 22nd Instant and to transmit to you the annexed copy of one from the Deputy Secretary to the Government at Columbo dated the 7th of March 1829. You will be pleased to afford Mootoosamy Naiker such redress as the circumstances of his case on enquiry may appear to demand and you will report on your proceedings for the information of the Government.

Fort St. George
28th May 1830.

I am,
Sir,
Your most obedient servant,
J. McClod
Acting Chief Secretary

The

The Chief Secretary
to Government
Fort St. George

Sir,

I am directed by His Excellency The Governor to transmit the accompanying Petition addressed to His Excellency by Mootoosawmy Naiker related to one of the refugee Kandyan Princes, on whose decease a portion of two thirds of the allowance allotted was continued for the support of the family of whom the Petitioner alleges himself to be one and to request that with the concurrence of The Honorable The Governor in Council, you will be pleased to refer the same to the Collector of Madura with Instructions to afford the Petitioner such redress as the circumstances of his case on enquiry may appear to

demand

demand

Chief Secretary's Office
Colombo March 7th 1829

I have &c. &c.
(Signed) Thos. Eden
Deputy Secretary

To

His Excellency Sir Ed. Barnes K.C.B.
Governor & Comt. in Chief
Ceylon

The humble representation most respectfully addressed by Mootoosamy Naicker the son of Narayanasamey Naicker Elder Brother of Permalsamy Naicker one of the Princes of Candy.

Benevolent Governor,

With profound submission I most humbly beg leave to repeat my address again and state that by my address of the 18th January 1828 every circumstances might have been fully known

known to your Charitable Presence and accordingly your Honor was referred to institute an enquiry thro' the means of the Principal Collector of Madura the late R. Peter Esqr., who accordingly made an enquiry and reported it to Madras Government on the 29th June 1828, which report I consider might have been for=warded to your favorable presence, but as there being no orders as yet been passed as myself and poor family are suffering great distress, I have taken the liberty to remind your Honor with the enclosed Copy of my former address.

The Pension allowed by your benign Government for the support of our family and which was usually received by Permal Naicker in his life time he did maintain us with it through=out the year after which when he died the Pension was continued to his Son

Coomaurasamy

Coomaurasamy Naicker, but as there being some debts contracted by his father and until that was liquidated he allowed me 2¼ Pagodas for the maintenance of myself and family and promised after all the debts are settled he will pay us according to what is stipulated and he continued it, but when all concerns have been settled he failed in his promise and told me to receive the same inade-quate allowance, but I again requested him to pay me the 2¼ Pagodas until a reference is made to your Goodness and a decision is passed for our family i Consisting of 9. Souls who are suffering great distress and moreover as the above Pension was allowed for the sup-port of our two familys and not to him only, I represented my distressed case to your Goodness and from the time the difference happened between him and me up to this period I have not been allowed

allowed any support from the Pension
but he is only receiving the whole of
the Pension and enjoying it himself -
therefore, I humbly entreat your benev-
olent Goodness will be pleased to pass
your favorable orders that the Principal
Collector of Madura may pay me the
half of the Pension Monthly according
to my right, and moreover to Collect
the Balance of Pension due to me from
him and pay me, and earnestly entreat
that this order might be soon granted
for I am greatly troubled by the debtors
and suffering great distress. Necessity
alone induces me to give your Goodness
this unnecessary trouble and beg your
Goodness will pardon me for trespas-
sing on your leisure and crave that my
representations be taken into your
Serious Consideration and relieve me
from inexpressible sorrow and Distress-
and

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and If I not favored with your favorable Goodness's order within a Months time, I am ready to prepare my Journey and meet your Charitable Goodness's precious feet.

For which act of Charity and Generosity I and my poor families will always offer our frequent prayers to Almighty God for your Goodness's [illegible] Health Happiness and Prosperity

Madura
1st November 1828

(True copies)
W. Clive
Acting Chief Secretary

R. [illegible]

২/৪৫
৭/১/৪৪